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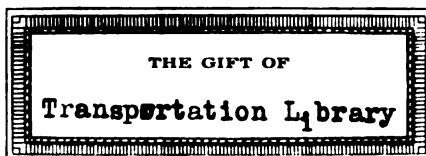
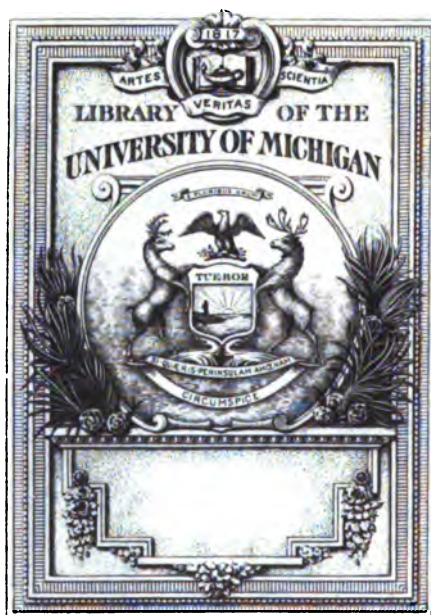
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**DOCUMENTS**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF NEW-YORK,**  
**FIFTY-FIFTH SESSION,**  
**1832.**

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**VOLUME II.**  
**FROM No. 66 TO 118 INCLUSIVE.**

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**ALBANY:**  
**PRINTED BY E. CROSWELL, PRINTER TO THE STATE.**  
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**1832**



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No. 66.

## IN SENATE,

March 1, 1832.

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### REPORT

Of the select committee, on the petition of the Supervisors and Superintendents of the poor of the county of Richmond.

Mr. Allen, from the committee, to which was referred the petition of the supervisors and the superintendents of the poor, of the county of Richmond,

#### REPORTED:

That the object of the petitioners appears to be, *first*, to obtain from the Health Commissioners, the amount of money expended by said county, for the arrest, imprisonment and trial of certain persons charged with crime, and who at the time of committing such crime, were in the service of the United States.

*Second*, to obtain assistance by a grant of money, towards the purchase of a farm for the use of the poor of said county.

*Third*, a request for an amendment of the statute on dogs, so far as it relates to the county of Richmond.

To meet the first object of the petitioners, as the committee are informed, an act was passed on the 19th of April, 1825, providing that any person, not being a citizen of the county, charged with crime committed within the quarantine establishment, the expense incurred by the county shall be paid by the Health Commissioners, upon an order in writing from the supervisors; *provided such crime shall have been committed by a person who has contributed to the Hospital Fund.*

The object in passing this act, as the committee believe, was to provide for the case under consideration, as well as for others that might occur, it having been the opinion at the time the act was passed, that the persons concerned came within its provisions; but those on whose account the expenditure was made, having been in the service of the United States, when they were arrested, and therefore not liable to the tax imposed by the State for the support of the Marine Hospital, the proviso to the law, prevented its operation, so far as it related to the expense incurred in the matter alluded to.

To remedy this defect, an act was passed on the 7th of April, 1827, amending the act of 1825, and requiring the Health Commissioners to repay to the county of Richmond, all expenses *which may be incurred by said county*, for the transportation, confinement, &c. of any mariner, not being a citizen of the county, charged with the commission of crime within the limits of the quarantine establishment, whether such mariner shall have contributed to the support of the Marine Hospital or not.

This act having been made prospective, did not meet the object intended, and the expenditure of the county amounting, as stated by the county clerk, to seven hundred dollars, has never been received by the supervisors.

The persons who were the cause of this expenditure, were at the time the crime was charged upon them, performing quarantine under the laws of this State; and as the location of the establishment was an act of the State, and not of the country, it appears to the committee but reasonable, that the county should be re-imbursed for an expense brought upon them by the location in their vicinity of an institution, public in its nature, and which to them, has rather proved an evil than a good.

The assistance requested towards the purchase of a farm for the use of the poor, is urged upon the consideration of the Legislature, upon the ground that the quarantine establishment has caused a considerable addition to the expense of the county by the increase of pauperism among the inhabitants.

The great number of laborers employed in unloading and transporting the cargoes of vessels placed under quarantine, and other businesses connected with the establishment, has brought to the county a population very liable to become chargeable, and as a considera le

number of the inhabitants are engaged in the coasting trade, and pay annually three or four hundred dollars, to the funds of the Marine Hospital, to which they rarely, if ever resort in the event of sickness, most of them having families on the island, and if poor become chargeable, the committee are of opinion, that the county have some claim on the funds in the hands of the Health Commissioners, for relief.

The reason for requesting an alteration of the law respecting the tax on dogs, are briefly as follows: The increase of that species of animals in the county has been very great. This increase is owing in part to the heavy impositions on dogs in the city of New-York, inducing their owners to send them from the city to the neighboring counties; and partly to an evasion of the law, by every member of a family claiming to own one of the dogs kept by them. The committee are also informed, that previous to the operation of the Revised Statutes, when a tax was levied on every dog kept in the county of Richmond, the supervisors were able to collect from the tax, sufficient to defray the loss occasioned by the destruction of sheep; but since their operation, these collections have been so much reduced in amount, that the object for which the tax was levied is far from being realized.

The committee are of opinion, that all these matters require legislative aid, and they have accordingly prepared two bills, one providing for the payment of the amount of money petitioned for, and the other imposing a tax on dogs in the county of Richmond, and they have instructed their chairman to ask leave to introduce the same accordingly.





IN SENATE,

February 29, 1832.

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ANNUAL REPORT

Of the directors of the Central Asylum for the deaf  
and dumb at Canajoharie.

*To the Honorable the Legislature of the State of New-York.*

The directors of the Central Asylum for the instruction of the deaf and dumb at Canajoharie, respectfully report to your honorable body as follows :

That there has been received from the treasury of the State the sum of \$1,920, during the year ending December 31st, 1831, for the benefit of this Institution, according to the several statutes made and provided, which said sum of \$1,920 has been faithfully and economically applied for the support and tuition of the indigent pupils.

That this institution is under the superintendence and control of the following gentlemen, to wit :

Rev. Winslow Paige, President.

Hon. Seth Wetmore, Vice-President.

Rufus Morris, Esq. Treasurer.

Mr. Simon D. Kittle, Secretary.

Dr. Ezra A. Mulford, Steward and Superintendent.

And of the following gentlemen, as a board of directors, viz :

Hon. Abijah Mann, Jun. of Fairfield,

Hon. Henry I. Diefendorf, Root, Montgomery,

Rev. Paul Weidman, Schoharie,

Mr. Jeremiah W. Gardiner, Canajoharie,

Hon. William Campbell, Cherry-Valley,

Mr. Steuben Helmer, Canajoharie,

Mr. Robert Bowman, “

Hen. Robert Eldredge, Sharon,  
 Dr. Simeon Marcy, Canajoharie,  
 Mr. Willard R. Wheeler, Canajoharie.

That the number of indigent pupils now attending said school is  
 24. The following is a list of their several names, with their ages  
 and place of residence, to wit :

|                        |                |        |
|------------------------|----------------|--------|
| No. 1. Mary Flint,     | Oneida county, | Age 12 |
| 2. Almira Betts,       | Saratoga "     | " 18   |
| 3. Robert Bell,        | Jefferson "    | " 15   |
| 4. Louis Cox,          | Chautauque "   | " 12   |
| 5. E. H. Brewster,     | Tioga "        | " 12   |
| 6. Wm. M. Searl,       | Lewis "        | " 20   |
| 7. P. C. Plato,        | Genesee "      | " 14   |
| 8. Levi Chapman,       | Chenango, "    | " 21   |
| 9. Jno. Cramer,        | Montgomery "   | " 23   |
| 10. C. H. Peck,        | Herkimer "     | " 12   |
| 11. Maria Guile,       | Montgomery "   | " 10   |
| 12. Catharine Lewis,   | Warren "       | " 10   |
| 13. Susannah LaGrange, | Albany "       | " 11   |
| 14. Susan Hale,        | Montgomery "   | " 16   |
| 15. C. P. Ellarson,    | Schoharie "    | " 16   |
| 16. Maria Garlock,     | Montgomery "   | " 12   |
| 17. Aaron Hedden,      | Wayne "        | " 15   |
| 18. Ira Lewis,         | Chenango "     | " 17   |
| 19. Wm. Fuller,        | Montgomery "   | "      |
| 20. Flavia Robinson,   | Rensselaer "   | " 22   |
| 21. Wm. R. Martin,     | Oneida "       | " 22   |
| 22. Catharine Fonda,   | Montgomery "   | "      |
| 23. Nancy Phillips,    | " "            | " 23   |
| 24. Amanda Flanders,   | Warren "       | " 23   |

The number of pay pupils, at present attached to this institution,  
 is 3, viz :

Stewart W. Speirs, James Forbes.  
 James P. More,

Making 27 pay and indigent pupils at present attached to the  
 school, who were taught by Mr. Elijah Griffin, a graduate of Union  
 College, as principal, until the 4th of July last, and since his decease  
 the school has been taught by Mr. John C. Selleck, as principal, as-  
 sisted by Mr. Amariah Babbit, as assistant, and Miss Olivia Hodge,  
 as assistant and preceptress.

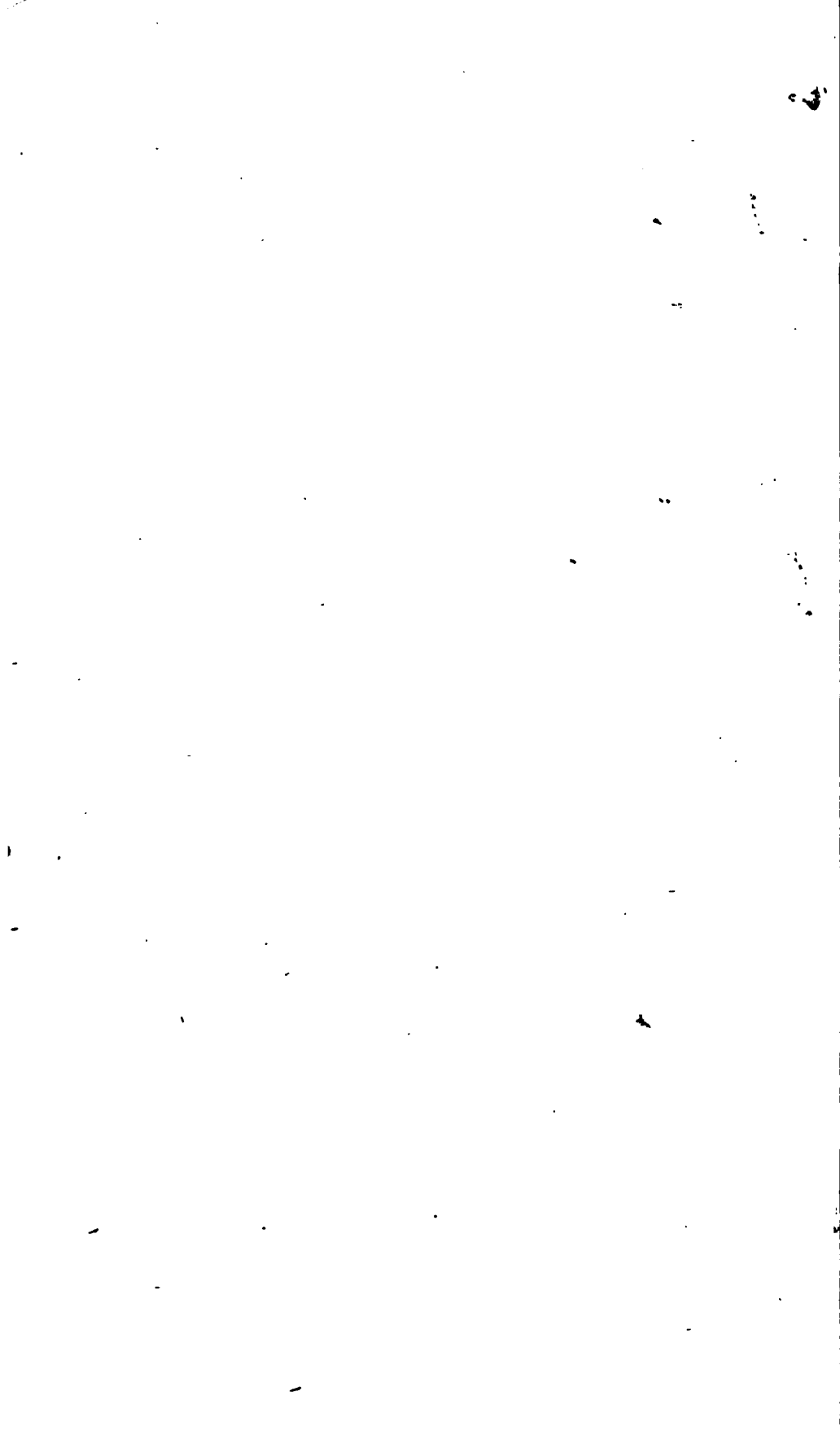
The pupils are boarded with Ezra A. Mulford, as superintendent of said institution, under the superintendence of Messrs. Gardiner, Wetmore and Randall, as a committee of instruction.

The board of directors further report, that the school is, at present, in a prosperous condition ; and, in the opinion of the board of directors, no similar institution, with the same patronage, has done more for the benefit of the unfortunate deaf and dumb.

By order of the board of directors,

S. D. KITTLE, *Secretary.*

*Dated at Canajoharie, January 1st, 1832.*



**IN SENATE,**

**March 3, 1832.**

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**REPORT**

**Of the Secretary of State in relation to the distribution and sale of the Revised Statutes.**

**STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }**

*Albany, March 2, 1832.*

**To EDWARD P. LIVINGSTON,**  
*President of the Senate.*

**SIR :**

The Secretary of State herewith presents a report in relation to the distribution and sale of the Revised Statutes.

With much respect,

Your obedient servant,

**A. C. FLAGG.**



# REPORT, &c.

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, March 2, 1832.*

The Secretary of State, presented to the Legislature of 1831, a statement in relation to the distribution and sale of the Revised Statutes, according to the provisions of the act passed Dec. 10, 1828, which statement is among the Senate Documents, and numbered 22.

There was originally delivered at this office 4,500 sets, of 3 vols. each, of the Revised Statutes..... 4,500

These sets of Statutes have been disposed of as follows :

|   |              |
|---|--------------|
| Sent to county treasurers, for sale, 2,048, of which 67 have been returned, leaving in the hands of the treasurers to be accounted for, ..... | 1,981        |
| Delivered to the county clerks and certain other officers, a list of which is given in schedule A,.....                                       | 1,416        |
| Sold at the Secretary's Office, as appears by last report, .....  | 605          |
| Sold since January 27, 1831,.....   | 233          |
| Remaining on hand in do. including 67 returned from treasurers of counties, .....   | 265          |
|   | <u>4,500</u> |

Of the 838 sets sold at this office, 124 sets, (101 by last report, and 23 since,) were sold to individuals, at 10 dollars each, amounting to ..... \$1,240 00

The residue of sales at this office, 714 sets, (504 by last report, and 210 since,) were made to book-sellers and agents, at a discount of 5 per cent, the proceeds being ..... 6,783 00

Total amount of sales at this office,..... \$8,023 00



The report of last year gave a list of the State Treasurer's receipts to the Secretary of State, for statutes sold at this office, and numbered from 1 to 46, and amounting in all, to..... \$5,730 50

The date and amount of the several receipts given by the Treasurer to the Secretary for sales since the former report, and numbered from 47 to 65, inclusive, are given in the paper marked B, amounting to ..... 1,903 50

|   |                          |
|---|--------------------------|
| Total amount paid into the treasury .....   | \$7,634 00               |
| There is a balance due from a book-seller in New-York,.....   | 76 00                    |
| From the Clerk of the Assembly, for 30 sets of Statutes, delivered on a resolution of the House,..... | 300 00                   |
| From the treasurer of Sullivan, on his private account, .....   | 19 00                    |
| <b>Total,.....</b>  | <b><u>\$8,029 00</u></b> |

In obedience to the act concerning the Revised Statutes, (chapter 20, 2d session of 1828,) there was transmitted 2,048 sets to the county treasurers. The treasurers are required, within six months after receiving the Statutes, to render an account to the Secretary of State, and pay into the State treasury \$9.50 cents, for each set sold, and make such disposition of the remainder as the Secretary shall direct. The table marked C, is an abstract of the accounts with the several county treasurers, by which it will be seen that 1,637 sets have been sold by the treasurers, that 67 sets have been returned to this office, and that 344 sets remain in the hands of the treasurers. The total amount of sales by the treasurers is \$16,370; deduct commissions at 5 per cent, \$817.50 cents, and it leaves..... \$15,552 50

There has actually been paid into the State treasury,  
 by the treasurers of counties, for Statutes sold,.... 14,495 59

Balance due from treasurers on account of sales,.... \$1,056 93

Of this balance, \$427.50 are due from the former treasurer of Saratoga, who died in the winter or spring of 1831, and whose estate is represented to be insolvent. This case has been submitted to the Attorney-General, and the preliminary steps which the statute require have been taken, in order to prosecute the bail of the treasurer. Samuel Cook, one of the bail, and the administrator of Ed-

ward Watrous, has informed the Secretary of State that the estate of Watrous is insolvent, and that the bail do not consider themselves liable for this defalcation. The other persons on the bond are, John W. Taylor, Andrew Watrous, Jeremy Rockwell, Lyman B. Langworthy, Samuel Smith and Samuel Freeman. The bond is dated the fifth of October, 1822. The paper Marked D, contains copies of the proceedings which have been adopted preparatory to a prosecution of the bail.

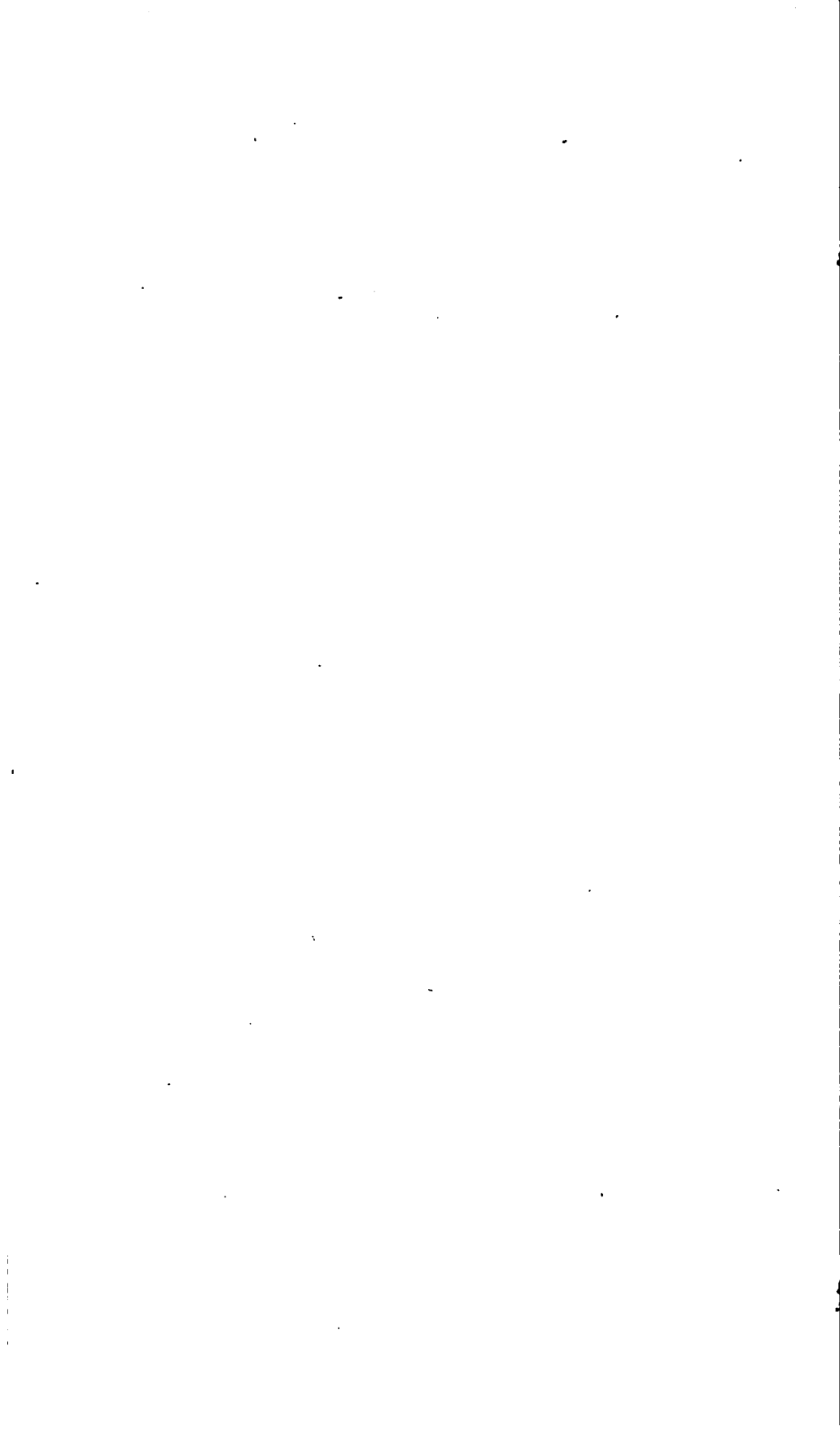
There is due from the former treasurer of Washington county, Ebenezer Russell, the sum of \$247, for Statutes sold by him. Mr. Russell, it has been ascertained since his defalcation, had been allowed to continue as treasurer for a great number of years without bail. He is represented to be very aged, and poor, and in a correspondence with Mr. McLean of the Senate, the Secretary of State was assured that a prosecution in this case, as the statute requires, would inevitably subject the State to a bill of costs, without any hope of collecting the debt.

The treasurers will be required to return the Statutes remaining unsold, in the course of the coming spring or summer. The total number unsold, in their hands, and in this office, is 609. The total amount paid into the treasury of the State for Revised Statutes sold since the same were published, is \$22,009.57 cents.

Four copies of the Revised Statutes, as well as the Session Laws, are authorised to be sent to the Secretary of State of the United States. A letter has been received from the Secretary of State, requesting an additional copy of the revised laws, which has been forwarded to him, under the fullest confidence of the approval of the Legislature. The letter of the Secretary of State requests that five copies of the annual session laws, may be forwarded to his department; and it is respectfully suggested that one copy of the Journals and Documents of the two Houses may be also forwarded each year, for the use of the library of Congress. A reference to these documents is frequently desired by the members of Congress from this State, particularly. The sending of the additional volume of the Session Laws, and a copy of the Documents, might be authorised by a joint resolution.

All which is respectfully submitted.

A. C. FLAGG.



## DOCUMENTS.

( A. )

*Memorandum of the number of sets of the Revised Statutes delivered by the Secretary of State to persons entitled thereto by law or concurrent resolution of the Senate and Assembly.*

| <i>Officers entitled to the Statutes.</i>                              | <i>No of sets delivered.</i> |
|--|------------------------------|
| Governor, chancellor, and three judges supreme court, ..               | 5                            |
| Comptroller, Treasurer, Surveyor-General and Secretary of State, ..... | 4                            |
| Attorney-General, Adjutant-General and Commissary-General, .....       | 3                            |
| State Librarian, .....   | 1                            |
| Clerk of the Senate, for Senate Chamber, .....                         | 18                           |
| Clerk of the Assembly, for Assembly Chamber, .....                     | 40                           |
| Four clerks of the supreme court, .....                                | 4                            |
| Clerk of the superior court, New-York, .....                           | 1                            |
| Eight circuit judges, .....  | 8                            |
| Albany Atheneum and New-York Atheneum, .....                           | 2                            |
| New-York Historical society, .....                                     | 1                            |
| Secretary of State of the United States, .....                         | 4                            |
| Agents of the State prisons, .....                                     | 2                            |
| Three Canal Commissioners, .....                                       | 3                            |
| Revisers, .....  | 30                           |
| Fifty-five county clerks, .....  | 55                           |
| Fifty-five district attorneys, .....                                   | 55                           |
| Fifty-five supervisor's clerks, .....                                  | 55                           |
| Clerks of towns and wards, .....                                       | 778                          |
| Members of the Legislature of 1827 and 1728, .....                     | 266                          |
| Jonas Earll, jun., Canal Commissioner, .....                           | 1                            |
| Secretary of State of the United States, .....                         | 1                            |
| To the Governors of twenty-three states, three sets each,              | 69                           |
| Eight new towns, .....   | 8                            |
| Philadelphia Atheneum, .....   | 1                            |
| Boston do. ....  | 1                            |
|  | <b>1,416</b>                 |

( B. )

*The following sums have been paid into the Treasury for Revised Statutes, sold at this office, and receipts taken therefor.*

| <i>No. of Receipt.</i>                               | <i>Date of Receipt.</i>                         | <i>Amount.</i> |
|--|---|----------------|
| From 1 to 46, inclusive,<br>as reported in 1831, ... | Up to and including<br>January 27th, 1831, .... | 5,730 50       |
| 47, .....  | March 7th, " ....                               | 78 00          |
| 48, .....  | " 19th, " ....                                  | 38 00          |
| 49, .....  | April 21st, " ....                              | 96 00          |
| 50, .....  | " 21st, " ....                                  | 142 50         |
| 51, .....  | " 22d, " ....                                   | 237 50         |
| 52, .....  | May 14th, " ....                                | 68 00          |
| 53, .....  | " 23d, " ....                                   | 85 50          |
| 54, .....  | June 7th, " ....                                | 38 50          |
| 55, .....  | July 23d, " ....                                | 142 50         |
| 56, .....  | " 30th, " ....                                  | 86 50          |
| 57, .....  | October 3d, " ....                              | 153 50         |
| 58, .....  | " 6th, " ....                                   | 57 00          |
| 59, .....  | " 25th, " ....                                  | 29 50          |
| 60, .....  | January 13th, 1832, ....                        | 126 50         |
| 61, .....  | " 19th, " ....                                  | 95 00          |
| 62, .....  | February 4th, " ....                            | 85 50          |
| 63, .....  | " 20th, " ....                                  | 171 50         |
| 64, .....  | " 21st, " ....                                  | 152 00         |
| 65, .....  | March 1st, " ....                               | 20 00          |
|  |   | <hr/> 7,634 00 |

( C. )

A Table, showing the sales of Revised Statutes, and payments made by County Treasurers.

| COUNTIES.          | Number of members. | No. of sets sent. | Total amount. | No. of sets unsold. | No. of sets sold. | Amount of sales. | 5 per ct. commission. | Amount paid into the treasury. | REMARKS.     |
|--------------------|--------------------|-------------------|---------------|---------------------|-------------------|------------------|-----------------------|--------------------------------|--------------|
| Albany, .....      | 3                  | 48                | 480 00        | 40                  | 8                 | 80 00            | 4 00                  | 76 00                          | 40 returned. |
| Allegany, .....    | 1                  | 16                | 160 00        | 8                   | 8                 | 80 00            | 4 00                  | 76 00                          |              |
| Broome, .....      | 1                  | 16                | 160 00        | ...                 | 16                | 160 00           | 8 00                  | 152 00                         |              |
| Cattaraugus, ..... | 1                  | 16                | 160 00        | ...                 | 16                | 160 00           | 8 00                  | 152 00                         |              |
| Cayuga, .....      | 4                  | 64                | 640 00        | 13                  | 51                | 510 00           | 25 50                 | 484 50                         | 13 returned. |
| Chautauque, .....  | 2                  | 32                | 320 00        | 1                   | 31                | 310 00           | 15 50                 | 294 50                         | 1 returned.  |
| Chenango, .....    | 3                  | 48                | 480 00        | 24                  | 24                | 240 00           | 12 00                 | 227 82                         |              |
| Clinton, .....     | 1                  | 16                | 160 00        | ...                 | 16                | 160 00           | 8 00                  | 152 00                         |              |
| Columbia, .....    | 3                  | 48                | 480 00        | ...                 | 48                | 480 00           | 24 00                 | 456 00                         |              |
| Cortland, .....    | 2                  | 32                | 320 00        | 16                  | 16                | 160 00           | 8 00                  | 152 00                         |              |
| Delaware, .....    | 2                  | 32                | 320 00        | 15                  | 17                | 170 00           | 8 50                  | 161 50                         |              |
| Dutchess, .....    | 4                  | 64                | 640 00        | ...                 | 64                | 640 00           | 32 00                 | 608 00                         |              |
| Erie, .....        | 2                  | 32                | 320 00        | ...                 | 32                | 320 00           | 16 00                 | 304 00                         |              |

| COUNTIES.         | Number of members. | Number of sets sent. | Total amount. | Number of sets unsold. | Number of sets sold. | Amount of sales. | 5 per ct. commission. | Amount paid into the treasury. | REMARKS.                            |
|-------------------|--------------------|----------------------|---------------|------------------------|----------------------|------------------|-----------------------|--------------------------------|-------------------------------------|
| Essex, .....      | 1                  | 16                   | 160 00        | ....                   | 16                   | 160 00           | 8 00                  | unpaid.                        |                                     |
| Franklin, .....   | 1                  | 16                   | 160 00        | ....                   | 16                   | 160 00           | 8 00                  | 160 50                         | \$1.50 allowed for transportation.  |
| Genesee, .....    | 3                  | 48                   | 480 00        | 16                     | 32                   | 320 00           | 16 00                 | 300 00                         |                                     |
| Greene, .....     | 2                  | 32                   | 320 00        | 19                     | 13                   | 130 00           | 6 50                  | 123 50                         |                                     |
| Herkimer, .....   | 3                  | 48                   | 480 00        | 9                      | 39                   | 390 00           | 19 50                 | 276 00                         |                                     |
| Jefferson, .....  | 3                  | 48                   | 480 00        | 23                     | 25                   | 250 00           | 12 50                 | 237 50                         |                                     |
| Kings, .....      | 1                  | 16                   | 160 00        | ....                   | 16                   | 160 00           | 8 00                  | 152 00                         |                                     |
| Lewis, .....      | 1                  | 16                   | 160 00        | 6                      | 10                   | 100 00           | 5 00                  | 95 00                          |                                     |
| Livingston, ..... | 2                  | 32                   | 320 00        | 9                      | 23                   | 230 00           | 11 50                 | 218 50                         |                                     |
| Madison, .....    | 3                  | 48                   | 480 00        | 21                     | 27                   | 270 00           | 12 50                 | 256 00                         | 50 cts. allowed for transportation. |
| Monroe, .....     | 3                  | 48                   | 480 00        | ....                   | 48                   | 480 00           | 24 00                 | 456 00                         |                                     |
| Montgomery, ..... | 3                  | 48                   | 480 00        | 18                     | 30                   | 300 00           | 15 00                 | 290 00                         |                                     |
| New-York, .....   | 11                 | 176                  | 1,760 00      | ....                   | 176                  | 1,760 00         | 88 00                 | 1,672 00                       |                                     |
| Niagara, .....    | 1                  | 16                   | 160 00        | ....                   | 16                   | 160 00           | 8 00                  | 152 00                         |                                     |
| Oneida, .....     | 5                  | 80                   | 800 00        | 23                     | 58                   | 580 00           | 29 00                 | 494 00                         | 51 due.                             |
| Onondaga, .....   | 4                  | 64                   | 640 00        | 1                      | 63                   | 630 00           | 31 50                 | 580 00                         |                                     |

|                     |   |    |        |      |    |        |       |         |  |
|---------------------|---|----|--------|------|----|--------|-------|---------|--|
| Ontario, .....      | 5 | 48 | 480 00 | 8    | 40 | 400 00 | 20 00 | 380 00  |  |
| Orange, .....       | 3 | 48 | 480 00 | .... | 48 | 480 00 | 24 00 | 456 00  |  |
| Orleans, .....      | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Oswego, .....       | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Otsego, .....       | 4 | 64 | 640 00 | 37   | 37 | 370 00 | 18 50 | 349 50  | 2 due.   |
| Putnam, .....       | 1 | 16 | 160 00 | 1    | 15 | 150 00 | 7 50  | 142 50  |  |
| Queens, .....       | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Rensselaer, .....   | 4 | 64 | 640 00 | 13   | 51 | 510 00 | 25 59 | 484 25  | 25 cts. allowed for return of box.<br>13 returned. |
| Richmond, .....     | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Rockland, .....     | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Saratoga, .....     | 3 | 48 | 480 00 | 3    | 45 | 450 00 | 22 50 | unpaid. | Treasurer dead.                                    |
| Schenectady, .....  | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 128 00  | 24 due.  |
| Schoharie, .....    | 2 | 32 | 320 00 | 15   | 17 | 170 00 | 8 50  | 142 50  | 19 due.  |
| Seneca, .....       | 2 | 32 | 320 00 | 6    | 24 | 240 00 | 12 00 | 200 00  |  |
| St. Lawrence, ..... | 2 | 32 | 320 00 | .... | 32 | 320 00 | 16 00 | 304 00  |  |
| Steuben, .....      | 2 | 32 | 320 00 | 21   | 11 | 110 00 | 5 50  | 104 50  |  |
| Suffolk, .....      | 2 | 32 | 320 00 | 1    | 31 | 310 00 | 15 50 | 294 50  |  |
| Sullivan, .....     | 1 | 16 | 160 00 | .... | 16 | 160 00 | 8 00  | 152 00  |  |
| Tioga, .....        | 2 | 32 | 320 00 | 4    | 28 | 280 00 | 14 00 | 266 00  |  |
| Tompkins, .....     | 3 | 48 | 480 00 | 18   | 30 | 300 00 | 15 00 | 300 00  |  |
| Ulster, .....       | 2 | 32 | 320 00 | .... | 32 | 320 00 | 16 00 | 304 00  |  |
| Warren, .....       | 1 | 16 | 160 00 | 7    | 9  | 90 00  | 4 50  | 85 50   |  |
| Washington, .....   | 3 | 48 | 480 00 | 20   | 28 | 280 00 | 14 00 | 19 00   |  |

\* The old treasurer of Washington sold twenty-six sets of the Revised Statutes, and has not paid the money into the treasury. A new treasurer has been appointed, who has sold two sets of those delivered to him, and has paid the money into the treasury.





( D. )

COMPTROLLER'S OFFICE, }  
*Albany, 11 October, 1831.* }

*To the Board of Supervisors  
of the county of Saratoga,*

GENTLEMEN :

By sections 28 and 29 of the act entitled " An act concerning the Revised Statutes," passed December 10, 1828, the Secretary of State was directed to send to the several county treasurers of this State, certain copies of the Revised Statutes, to be sold as by the said section is directed. Pursuant to that law, it is shown to me that forty-eight sets of the said Revised Statutes were sent to Edward Watrous, then county treasurer of your county, in the month of November, 1829. It is further shown to my satisfaction, by the Secretary of State, and by the Treasurer of the State, that none of the Statutes have been paid for or accounted for, as by the said law is required.

Papers of which the following are copies have also been delivered to me by the Secretary of State, showing a formal demand of payment from the administrator of the said Edward Watrous, to wit :

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, September 28, 1831.*

*To the administrator of the estate  
of Edward Watrous,*

SIR :

In November 1829, forty-eight sets of the Revised Statutes were sent to Edward Watrous, in pursuance of chap. 20, of the fall session of 1828, by which law the treasurer was required to sell the said Statutes, and to pay the money into the Treasury of the State ; and also to account to the Secretary of State for the copies received. The account required by sec. 29 of said act has not been rendered, nor has the money for the Statutes been paid into the Treasury of the State. I therefore have to request of you as the administrator or personal representative of Edward Watrous, deceased, to render the account in relation to the Revised Statutes which is required by the act before referred to.

Your's, with respect,

A. C. FLAGG,  
*Secretary of State.*

STATE OF NEW-YORK, }  
SARATOGA COUNTY, ss. }

George Thompson, of the village of Ballston Spa, being sworn, says, that on the first day of October, 1831, he, this deponent, delivered to Samuel Cook, administrator, &c. of Edward Watrous, deceased, a true copy of the within notice.

GEORGE THOMPSON.

*Sworn before me the first }  
day of October, 1831. }*

A. GOODRICH, *Comm'r of deeds.*

Which said papers satisfactorily show to me that the said Edward Watrous, county treasurer of the said county of Saratoga, has not paid into the Treasury of this State the money for the said Revised Statutes, and has not accounted for the same, as by the said law he should have done.

I am therefore satisfied that the condition of the bond of the said Edward Watrous, as the treasurer of the said county of Saratoga, has become forfeited, and that the sureties to the said bond have become liable to pay to the people of this State the amount due for the said Revised Statutes so sent to the said Edward Watrous, as county treasurer, to be sold by him.

I therefore, in conformity to the provisions of the act entitled "An act for defraying the public and necessary charges in the respective counties in this State, and for other purposes," passed April 2, 1813, Revised laws of 1813, vol. 2, page 139, sec. 5; and also in conformity with the provision contained in sec. 27, of title 2, chap. 12, of the first part of the Revised Statutes, do hereby demand and require of you, as the board of supervisors of the said county of Saratoga, to cause the said bond of the said Edward Watrous, late county treasurer of your said county, to be prosecuted for the recovery of the money due to the people of this State, for the Revised Statutes, at the rate and price fixed by the said law of the 10th December, 1828.

In witness whereof, I have hereunto set my hand, and affixed the seal of my office, this eleventh day of October, in the year of our Lord one thousand eight hundred and thirty-one.

SILAS WRIGHT, Jr.,  
*Comptroller.*

STATE OF NEW-YORK, }  
SARATOGA COUNTY, ss. }

Oran G. Otis, of the county of Saratoga, being duly sworn, doth depose and say, that he, this deponent, did, on the 15th day of November instant, serve upon the board of supervisors of the said county of Saratoga, a paper of which the preceding is a true copy, by handing the same to the presiding officer of the said board, when the said board was in session, and transacting the ordinary business of the

board of supervisors of a county, and further this deponent saith  
not.

ORAN G. OTIS.

*Subscribed and sworn this 15th day }  
of November, 1881, before me, }  
A. GOODRICH,  
Com'r of deeds.*



# IN SENATE,

March 5, 1832.

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## REPORT

Relative to the loans of 1786, 1792 and 1808.

Mr. Dodge, from the committee on finance, to whom was referred the reports of the Comptroller relative to the loans of 1786, 1792 and 1808,

### REPORTED :

That the committee have examined the report of the Comptroller page 23 and 24 of his annual report of 1832, in connexion with his reports of 1830 and 1831, to which they respectfully refer.

They are satisfied that the recommendation of the Comptroller is well founded, and that legislative relief is proper in each of the cases referred to, except the 2d, relating to "losses on the loans of 1786, and 1792, where counties have been divided since the loan was made." The Revised Statutes appear to give in this respect all the power necessary for the protection of the State, and the committee recommend an immediate exercise thereof.

The small amount due on the loan of 1786, (\$6,353.41) which is spread over several counties, and the collection of which will not oppress any, has induced your committee to recommend the absolute and final settlement thereof during the present year.

Of the loan of 1792 there remains still due, and we have no doubt well invested, the sum of \$258,940.84 bearing an interest of 7 per cent. For this the respective counties are liable. Your committee cannot but observe however that there is an essential and important difference and disproportion in the salaries attached to the

office in the several counties, (see Senate Doc. No. 25 of 1892,) and in all of them the amount is excessive compared with the services rendered, and with the fees paid to the commissioners of loans for like services.

Your committee, to obviate the difficulties complained of as much as possible, ask leave to bring in a bill,

**IN SENATE,**

**March 1, 1832.**

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**ANNUAL REPORT**

**Of the Regents of the University.**

**The Honorable EDWARD P. LIVINGSTON,**  
*President of the Senate.*

**SIR,**

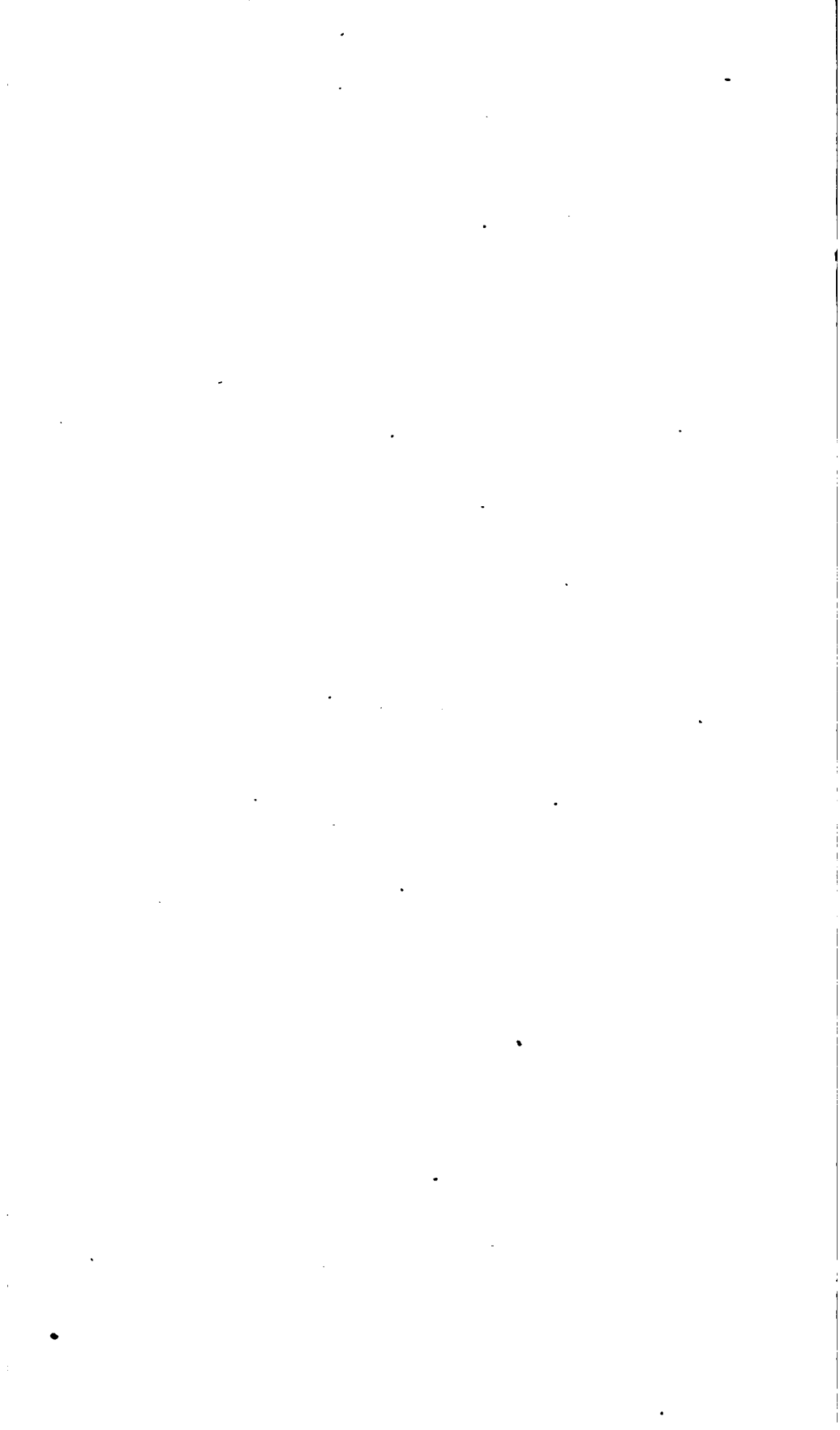
I have the honor to transmit herewith the Annual Report of the Regents of the University to the Legislature.

I have the honor to be, most respectfully,  
Your ob't serv't.

**S. DE WITT.**

**N. B.** It has been usual for the Senate to order 250 copies to be printed for the use of the Regents.





**ANNUAL REPORT**

**OF THE**

**REGENTS OF THE UNIVERSITY**

**OF THE**

**STATE OF NEW-YORK.**

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**MADE TO THE LEGISLATURE, MARCH 1, 1832.**

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**ALBANY:**

**PRINTED BY CROSWELL, VAN BENTHUYSEN AND BURT.**

.....  
**1832.**



# REPORT.

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*To the Honorable the Legislature of the State of New-York.*

## THE REGENTS OF THE UNIVERSITY RESPECTFULLY REPORT,

That they have received reports, during the present year, from Union, Geneva and Hamilton colleges, from the college of physicians and surgeons in the city of New-York, the college of physicians and surgeons of the western district, and from fifty-nine academies. No report has been received from Columbia college since the year 1829, in time to be included in the annual reports of the Regents: the reports from that institution for 1830 and 1831 came to hand after their reports for those two years had been made. The law requires the colleges to report by the first of February annually; and it is earnestly hoped that a provision, as readily complied with at one time as another, may hereafter be observed, in order that an entire view of the collegiate and academic institutions of the State may be regularly presented to the Legislature.

The report of Hamilton college shows the whole number of students, during the present year, to have been ninety-three. From a special report of one of the trustees, it appears that the condition and prospects of this institution are decidedly improved; that the course of study has been enlarged, and the standard of admission elevated; that "particular care has been taken to furnish competent and thorough instruction in the physical sciences and mathematics, and on subjects of a practical nature allied to them;" and that an effort has been made, with so much success already as to leave little doubt of its accomplishment, to raise by voluntary subscription, a sum not less than forty thousand dollars, for the endowment of three or more of its professorships.

It is exceedingly gratifying to see this institution, after the series of discouragements to which it has been subjected, assuming an honorable rank among the other colleges of the State.

The report of Geneva college states the whole number of students, during the present year, to have been forty-five. It appears also, that the institution has, since the report of 1831, discharged all its pecuniary obligations, and that it is now entirely free from debt, with funds and property, independently of its library, to the amount of about \$70,000.

It appears from the report of the trustees of Union college, that seventy-six young gentlemen were admitted to the degree of bachelor of arts at the last annual commencement, and that the whole number of students for the current year has been two hundred and twenty-three.

The condition of the college of physicians and surgeons, in the city of New-York, is prosperous and animating. The whole number of students during the present year is 182, showing an addition of eleven since the last report. Of the whole number of students, 129 are from the State of New-York, (83 from the city and 46 from the interior,) 40 from other states, 5 from the West Indies, 7 from Canada and Nova Scotia, and one from India. The number of students, and the state of the institution generally, so far as it is exhibited by the report, furnish the best evidence of the ability of the professors, and of the prudent manner in which its concerns are administered: and the Regents hail it with sincere gratification, as an assurance of the returning prosperity of the institution.

From the report of the trustees of the college of physicians and surgeons of the western district, it appears that the number of students attending the lectures delivered at that institution during the term ending in January, 1832, was 201, of whom 173 were from the State of New-York, 14 from other states, and 14 from Canada. Of this number, 39 were, after due examination by the professors, recommended by the trustees for the degree of doctor of medicine, which, in pursuance of the recommendation, was conferred on them by the Regents. The flourishing condition of this institution is a subject of peculiar gratification. Its position in a section of country abounding in the necessities of life, opens a profession of the highest respectability and usefulness to many against whom it would be

closed, if compelled to seek their education in the city, where the standard of expense is necessarily much higher. The regularly increasing number of students is equally honorable to the talents and industry of the professors; and it deserves to be remarked, that they have not only defrayed the incidental expenses of the institution since the year 1829, but that they have, since that time, by contributions from the avails of their lectures and services, reduced from \$5,000 to \$2,000 a debt contracted for the erection of a building.

The Regents have also received a communication from the chancellor of the university of the city of New-York, stating that at least \$100,000 will be realized from subscriptions heretofore made; that the site for the establishment has not yet been fixed, in consequence of a difficulty with regard to the title of the ground contracted for several months since; but that a course of public lectures has already been commenced "under the appointment of the university, and with the most gratifying success."

The abstracts, hereunto annexed, of the reports received from the academies, present in detail, all that relates to the means and management of those numerous and valuable institutions. So rapid has been their progress under the munificent provisions of the State for their encouragement and support, that the Regents cannot forbear to exhibit their improvement in a brief comparative view of their condition now and at former periods. In the year 1819, the number of academies from which reports were received was 30; the whole number of students 2,218; the number of students entitling academies to a distributive share of the literature fund 636; and the amount of money distributed among them \$2,500. The accompanying abstract shows the number of academies which have made reports during the present year to be 59; the whole number of students, 4,188; the number of students entitling academies to a distributive share of the literature fund, 2,399; and the amount of money distributed among them by the State, \$10,000. Since the year 1819, therefore, there has been an addition of 1,970 to the whole number of persons annually instructed in the academies, and an addition of 1,763 to the number entitling them to a distributive share of the literature fund. Of the 1,970 added to the whole number of students, 1,188 have been added since the act of the 13th of April, 1827, increasing the literature fund, went into operation. Of the 1,763 added to the number of students whose course of studies entitles the academies to participate in the distribution of the literature fund,

1,159 have been added since the passage of that act. Of the 29 academies added since 1819 to the number of those which have made reports, 15 have been added since 1827. The effect of the increased provision made by the act of that year appears, therefore, to have been to increase the number of academies, and the whole number of students in nearly the same proportion, and to elevate and extend the course of education, by making it the interest of the trustees, not only to introduce such studies as give a claim to share in the distribution of the literature fund, but to augment the number of those who pursue them. There is, indeed, nothing in which the progress of these institutions is more eminently deserving of attention, than the improved course of study. A reference to the abstract will show that it is not only extremely diversified, but that it embraces, in many of the academies, almost every branch of education which enters into the course of our colleges of the highest grade; that the difference between them is not so much in the nature of the studies, as in the extent to which the course is respectively carried. It may, perhaps, occur to those who examine with minuteness that part of the abstract which exhibits the course of study, that mathematics and the physical sciences enter into it in a degree disproportioned to literature and the moral sciences. The fact is not disputed; and it is conceived that it is to be traced to the condition of society in the United States, and the nature of our occupations. Education, like every thing else, when unrestrained by positive regulation, naturally takes the direction of individual interest. The physical resources of New-York—of the whole country, indeed—are in a course of active development: no part of the globe presents so wide a field, or offers higher rewards for the application of physical science. Literary pursuits, on the other hand, are almost always the companions of leisure and wealth; and it is to be expected that many years will elapse before they will enter as largely into our course of education as those sciences which are applicable to the ordinary business of life.

This peculiarity in the course of academic education in this State is not adverted to with a view to intimate that it is desirable to change its direction by legislative measures. On the contrary, it deserves to be considered, whether it be not safer to leave education in its higher branches, to take its general direction from the necessities and demands of the country—whether the only purposes for which the arm of government can be advantageously interposed, be not to bring the benefits of elementary education within the reach of

the greatest possible number of persons, and to place its higher branches, with regard to patronage, on a basis of exact equality. The Regents would not be understood as undervaluing the utility of classical studies, much less the importance of those departments of knowledge which come within the definition of moral science. They intend only to advert to the ascendancy of other branches of education, as the natural result of our social condition : and without claiming too much for our national literature, which is, however, rapidly improving, they conceive that we have a conclusive reply to the reproach of a want of genius, sometimes cast upon us, by appealing to more than one living example of literary distinction in natives of this State, who command, in an eminent degree, the attention and patronage of Europe. With us, as every where else, a demand for the productions of literature, like those of science and art, is all that is necessary to secure them; and it is worthy of reflection, whether any effort to create a demand for them by legislative arrangements would not be an unwise diversion of intellectual labor from more useful channels; if individuals find it for their interest to become mathematicians or civil engineers, and this would not be the case unless the country needed their services as such, whether it would not be unjust to the community to attempt, by legislative encouragement, to make them classical scholars or linguists. The provisions of the act of April, 1827, which place classical studies and the higher branches of English education, including moral and physical science, on the same level, with regard to a participation in the benefits of the literature fund, afford all that can reasonably be demanded of the government, by opening the various channels of instruction to a fair competition.

By the report of the Superintendent of Common Schools, made to the Legislature on the 10th of January last, it appears that more than half a million of children in the State of New-York, equal to more than one-fourth part of the whole population, are actually at school; and that the number of children instructed is only 7,428 less than the whole number of children between 5 and 16 years of age. To bring the benefits of elementary education within the reach of all, therefore, little remains to be done. The system of contribution on the part of the State, by doing something for the support of the schools, and at the same time leaving something for the inhabitants of the several districts to accomplish by their own exertions, has been productive of the happiest effects. It is, indeed, doubted by those, whose observation best qualifies them to form a correct



judgment, whether the common school system would be as efficient as it now is, if the public were to assume the whole burden of expense, and leave nothing to the industry and exertions of individuals. To perpetuate the benefits of a system, as near perfection perhaps, with a single exception, as it can be, it is only necessary that the existing contribution should be increased from time to time so as to preserve the relation, which it now bears to the population of the State.

But there is one topic (the exception above adverted to) connected both with our common schools and academies, which the Regents deem it proper to present to the Legislature; and it was with a view to introduce and give force to the remarks, which they consider due to the occasion, that they referred to the condition of the former. However complete in other respects the system may be, it is manifest that a sufficient supply of competent teachers is indispensable to its efficiency. The truth of this position is too obvious to be disputed; but there has been a contrariety of opinion with regard to the best mode of providing them. With some it has been a favorite theory to provide for their education at the public expense by the institution of a State seminary with branches in the several senatorial districts. This plan does not differ materially from that which has been adopted in some European countries. In Prussia there is in each province one or more seminaries, supported at the expense of the government, for the preparation of teachers. But there is this essential difference between the elementary schools in that kingdom and in this State. There they are under the absolute control and direction of the government. No one is allowed to act as an instructor without a written permission from examiners appointed under the authority of the government; and, although the expenses of the schools, between twenty and thirty thousand in number, are paid by the inhabitants of the several parishes, parents who neglect to send their children to school, are liable to be fined for their omission to comply with the requirements of the law. In a word, the whole plan is compulsory; presenting the anomaly of a government, founded upon arbitrary power, compelling its subjects to cherish a system, which is at war in principle with the very elements of its own preservation. Although it might seem much more proper with a political organization like ours, the best security of which is a diffused intelligence, to compel parents to educate their children; yet our rule is, in all things not manifestly essential to the operations of government, to persuade rather than coerce. Our common schools,

though assisted by the State, are maintained by voluntary contribution of the inhabitants of the respective districts; and those, who are most interested, have the selection of teachers. Public opinion in this country would hardly endure a system like that which exists in Prussia. If the State were to establish seminaries for the preparation of teachers, there would be no certainty that the school districts would give them employment, and they could not be forced upon the districts against their wishes. Many individuals would unquestionably be tempted, after receiving their education as teachers, to abandon that calling for the higher rewards of others, and thus the munificence of the public would be expended for individual benefit. It was, therefore, conceived (as the Regents think, wisely) that the academies should become the nurseries of instructors for common schools, leaving it to the interest of individuals to prepare themselves for the business of teaching, to the interest of the academies to provide the means of their preparation, and to the liberality of the school districts, to offer sufficient wages to secure their services.

The act of 13th April, 1827, increasing the literature fund virtually adopts the latter plan, by declaring that one of the objects of that increase is "to promote the education of teachers."

The Regents had the honor to say in a former report to the Legislature, that they should cheerfully co-operate in promoting the speedy accomplishment of that object. They have now the satisfaction to present a fact, which they consider of immense importance as an evidence that the views adopted by the Legislature, although dissented from at that time by many intelligent individuals, were founded in wisdom. By a reference to the abstract it will appear, that St. Lawrence academy at Potsdam, St. Lawrence county, in the fourth senatorial district, has sent out during the last year eighty teachers of common schools, and that a part of the course of study, consists of lectures upon the principles of teaching. The superiority, which the St. Lawrence academy has acquired in this respect is to be ascribed altogether to the new branch of instruction introduced into it. There is at least an average of more than one academy to each senatorial district equally capable of accomplishing the same result by adopting the same measures. The Canandaigua academy has introduced a similar course of instruction, but with what success does not appear by the report. There is no doubt that a thousand instructors might readily be prepared annually for the common schools, a

number exceeding by nearly two hundred the average number supplied by the seminaries of Prussia. It only remains for the school districts to furnish the inducement by offering wages, which shall be equal to the average profits of other occupations. The advantages of a regular system of instruction, in the principles of teaching, need no illustration. Experience is constantly suggesting improved methods for the communication of knowledge, and for the discipline of youthful minds; and works have recently been published embodying the results of observation and practice. With the aid of these and with such a course of instruction as has been adopted at the St. Lawrence academy, teachers attain, in a very short time, to qualifications which would otherwise be the fruit of long and painful experience, equally embarrassing to themselves, and fatal to the progress of their pupils. The Regents are decidedly of opinion that the academies are the proper instruments for accomplishing the great object of supplying the common schools with teachers. These institutions have already the advantages of convenient edifices, in some cases of large permanent funds, valuable libraries, and philosophical apparatus, amounting in all to an investment of about half a million of dollars, as will be seen by the abstract. By engrafting upon the course of studies a department of instruction in the principles of teaching, the respectability and capacities of the institutions will be increased, and those who are qualifying themselves for the business of instruction may enjoy the benefit of all the other branches, which enter into the ordinary academic course. In every point of view it is conceived that this is the most advisable method of preparing instructors. Under this impression, the Regents take the liberty of remarking, that in case the condition of the public finances shall at a future day admit of an additional appropriation to the object of promoting the education of teachers, the end may be much more advantageously attained by connecting it with the academies, than by creating a separate establishment for the purpose. When these institutions shall send forth a regular supply of well qualified instructors, an object which they hope to see accomplished by a union of the same munificent policy, which has heretofore guided the councils of the State, with the liberal spirit which has animated the people, our system of elementary instruction will be complete; and in this department the government will, by contributing to close up the sources of ignorance and vice, have done all that properly falls to its province to give strength and duration to our civil liberties.

The abstract of the reports of the academies, will be found to contain the distribution of the income of the literature fund by the Regents during the preceding year. An abstract is also transmitted from the meterological returns of 42 of the academies.

Respectfully submitted.

By order of the Regents.

SIMEON DE WITT, *Chancellor.*

G. HAWLEY, *Secretary.*

*Albany, February 29, 1832.*



# the Register

| Amount of money ap-<br>portioned by the Re-<br>gents out of the Liter-<br>ture Fund. |                        |
|--|------------------------|
| 109 98   | Arithmetic, Em         |
| 260 41   |                        |
| 508 47   | Book-Keepin            |
| 115 75   | Philosophy, Ma         |
| 260 41   | Spanish.               |
|  | Astronomy, Bod         |
|  | Mapping,               |
|  | Book-Keeping, KY, Nat. |



the

Amount of money ap-  
portioned by the

10  
26  
50  
11  
26  
21 825

# the Reg(subject

| Amount of money ap-<br>portioned by the Re-<br>gents out of the Litera-<br>ture Fund. |                       |
|---|-----------------------|
| 109 96  | ( Book-Keepin         |
| 260 41  | Glosophy, Maj         |
| 508 47  | (Spanish.             |
| 115 75  | (tronomy, Bo          |
| 260 41  | Mapping,              |
|   | ook-Keeping, Ky. Nat. |







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**AN ABSTRACT**  
OF THE  
**RETURNS**  
OF  
**METEOROLOGICAL OBSERVATIONS**  
MADE TO THE  
**REGENTS OF THE UNIVERSITY,**  
FOR THE YEAR 1831.  
BY  
*Sundry Academies in this State,*  
IN OBEEDIENCE TO INSTRUCTIONS, DATED  
**MARCH 1, 1834.**

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## ACADEMIES.

| List of Academies reporting.  | Towns.                | Counties.           | Time for which they report.                                   | Observers.  |
|-------------------------------|-----------------------|---------------------|---|---|
| Albany, .....                 | Albany, .....         | Albany, .....       | The whole year, .....   | T. Romeyn Beck, M. D. Principal.                          |
| Auburn, .....                 | Auburn, .....         | Cayuga, .....       | Jan. to Dec. inclusive, incomple.                             | None mentioned.   |
| Buffalo, .....                | Buffalo, .....        | Erie, .....         | The whole year, incomplete, .....                             | Elliot Burwell and George Burwell.                        |
| Cambridge, Washington, .....  | Cambridge, .....      | Washington, .....   | The whole year, .....   | John Montwell, Principal, and M. Stevenson, M. D.         |
| Canajoharie, .....            | Canajoharie, .....    | Montgomery, .....   | The whole year, incomplete, .....                             | None mentioned.   |
| Canandaigua, .....            | Canandaigua, .....    | Ontario, .....      | The whole year, .....   | Henry Howe, Principal, and Chester G. Metcalf, Assistant. |
| Cayuga, .....                 | Ledyard, .....        | Cayuga, .....       | The whole year, .....   | Salem Town, Principal.                                    |
| Cherry-Valley, .....          | Cherry-Valley, .....  | Otsego, .....       | The whole year, .....   | Dr. William Campbell, Trustee.                            |
| Clinton, .....                | East-Hampton, .....   | Suffolk, .....      | The whole year, .....   | Daniel Dayton.  |
| Cortland, .....               | Homer, .....          | Cortland, .....     | The whole year, .....   |   |
| Dutchess County, .....        | Poughkeepsie, .....   | Dutchess, .....     | September and November, .....                                 | Samuel B. Woolworth, Principal, and Edward C. Reed, esq.  |
| Erasmus Hall, .....           | Flatbush, .....       | Kings, .....        | The whole year, .....   | E. Fay, J. Rowe, and Rufus B. Gregory.                    |
| Fairfield, .....              | Fairfield, .....      | Queens, .....       | The whole year, .....   | J. W. Kellogg, Principal.                                 |
| Franklin, .....               | Prattsburgh, .....    | Herkimer, .....     | The whole year, .....   | D. Chassell, jun.   |
| Fredonia, .....               | Pomfret, .....        | Steuben, .....      | The whole year, .....   | Reynour Gookins, and Oliver S. Taylor.                    |
| Gouverneur High School, ..... | Gouverneur, .....     | Chautauque, .....   | The whole year, (4 Nov. inc.) .....                           | Henry Chaney, and J. A. Eastman, Principals.              |
| Hamilton, .....               | Hamilton, .....       | St. Lawrence, ..... | The whole year, .....   | Joseph Hopkins, Principal.                                |
| Hartwick, .....               | Hartwick, .....       | Madison, .....      | The whole year, .....   | Nathan Bishop, Assistant Teacher.                         |
| Hudson, .....                 | Hudson, .....         | Otsego, .....       | The whole year, .....   | George B. Miller, Principal.                              |
| Ithaca, .....                 | Ithaca, .....         | Columbia, .....     | The whole year, .....   | J. W. Fairfield, Principal.                               |
| Johnstown, .....              | Johnstown, .....      | Tompkins, .....     | The whole year, except 4 May .....                            | J. L. Hendricks, and William A. Irving, Principals.       |
| Kinderhook, .....             | Kinderhook, .....     | Montgomery, .....   | The whole year, .....   | William Maxwell.  |
| Kingston, .....               | Kingston, .....       | Columbia, .....     | The whole year, .....   | Silas Metcalf, Principal.                                 |
| Lansingburgh, .....           | Lansingburgh, .....   | Ulster, .....       | The whole year, incomplete, .....                             | R. B. Hubbard, Principal.                                 |
| Lewiston, .....               | Lewiston, .....       | Rensselaer, .....   | The whole year, .....   | Alexander McCall, Principal.                              |
| Lowville, .....               | Lowville, .....       | Niagara, .....      | The whole year, .....   | Jacob Hooke Quimby, Principal.                            |
| Middlebury, .....             | Middlebury, .....     | Lewis, .....        | The whole year, .....   | Stephen W. Taylor, Principal, and E. E. Barney.           |
| Monroe, .....                 | Henrietta, .....      | Genesee, .....      | The whole year, .....   | Seth Cushing, jun., Teacher.                              |
| Montgomery, .....             | Montgomery, .....     | Monroe, .....       | Jan. 7, to Oct. inclusive. (The whole very incomplete), ..... | Not mentioned.  |
| Mount-Pleasant, .....         | Mount-Pleasant, ..... | Orange, .....       | The whole year, .....   | John F. Scott, a Trustee.                                 |
| Newburgh, .....               | Newburgh, .....       | Westchester, .....  | The whole year, .....   | Samuel I. Prime, Assistant Teacher.                       |
| North-Salem, .....            | North-Salem, .....    | Orange, .....       | Several months incomplete, .....                              | Nathan Stark, and Albert Walls, Principals.               |
|                               |                       | Westchester, .....  | The whole year, .....   | Hiram Jelliff, Principal.                                 |

## ACADEMIES (Continued,)

| List of Academies reporting.        | Towns.            | Counties.          | Time for which they report.       | Observers.   |
|-------------------------------------|-------------------|--------------------|-----------------------------------|--|
| Oxford,.....                        | Oxford,.....      | Chenango,.....     | The whole year,.....              | William D. Beattie, Principal.                         |
| Pompey,.....                        | Pompey,.....      | Ontonaga,.....     | The whole year,.....              | Andrew Huntington, Principal.                          |
| Redhook,.....                       | Redhook,.....     | Dutchess,.....     | The whole year,.....              | Lyman Thompson, Principal.                             |
| Schenectady,.....                   | Schenectady,..... | Schenectady,.....  | The whole year, incomplete,.....  | A. Underwood, and A. W. Henderson, Teachers.           |
| St. Lawrence,.....                  | Potsdam,.....     | St. Lawrence,..... | The whole year,.....              | N. H. Losey, E. O. Martin, and E. H. Farrar, Teachers. |
| Sem. of G. and O. Conferences,..... | Cazenovia,.....   | Madison,.....      | The whole year,.....              | J. W. Tyler, and A. W. Smith, Principals.              |
| Union,.....                         | Ellisburgh,.....  | Jefferson,.....    | The whole year,.....              | John R. Grout.   |
| Union-Hall,.....                    | Jemaica,.....     | Queens,.....       | The whole year,.....              | Pierpont Potter, a Teacher.                            |
| Utica,.....                         | Utica,.....       | Onondaga,.....     | The whole year,.....              | D. Proutie, Principal.                                 |
| Washington,.....                    | Salem,.....       | Washington,.....   | June to December, inclusive,..... | James W. Stewart, Principal.                           |





# FEBRUARY, 1881.

| ACADEMIES.                    | THERMOMETER.      |       |        | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       |              | Rain Gauge. |
|-------------------------------|-------------------|-------|--------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|--------------|-------------|
|                               | Mean temperature. |       | Range. | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. | Rain & Snow. |             |
|                               |                   |       |        |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |              |             |
|                               |                   |       |        |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |              |             |
| Albany, .....                 | 19.62             | 25.88 | 46     | 44                    | -2             | 3      | 2        | 10    | 4        | 3      | 1.5      | 8.5   | 8        | 16.5                    | 11.5    | 1     | 4     | 1            |             |
| Buffalo, .....                | 17.23             | 26.07 | 46     | 46                    | 0              | 7      | 2        | 10    | 2        | 9      | 4.5      | 9.5   | 3        | 10                      | 18      | 1     | 5     | 5            |             |
| Cambridge, Washington, .....  | 16.54             | 22.95 | 51     | 41                    | -10            | 2.5    | 5        | 3.5   | 1        | 2.5    | 2        | 12.5  | 3.5      | 16.5                    | 11.5    | 1     | 3     | 9            |             |
| Canajoharie, .....            | 17.35             | 24.81 | 55     | 51                    | -4             | 4      | 5        | ...   | 1        | 10     | 3        | 12.5  | 8        | 14.5                    | 13.5    | 1     | 3     | ...          |             |
| Canandaigua, .....            | 15.85             | 26.25 | 55     | 51                    | -4             | 4      | ...      | ...   | 1        | 9      | 1        | 8.5   | 4.5      | 17                      | 11      | 1.5   | 2     | ...          |             |
| Cayuga, .....                 | 18.05             | 25.11 | 50     | 50                    | -2             | 4      | ...      | ...   | 1        | 9      | 1        | 8.5   | 4.5      | 17                      | 11      | 1.5   | 2     | ...          |             |
| Cayuga, .....                 | 13.87             | 21.79 | 44     | 44                    | -17            | 61     | 2        | 1     | 5        | 2.5    | 1.5      | 17    | 4        | 19.5                    | 8.5     | 1     | 3     | 5            |             |
| Cherry-Valley, .....          | 22.22             | 31.12 | 48     | 48                    | -14            | 34     | 2        | 1     | 5        | 2.5    | 7.5      | 11.5  | 23.5     | 4.5                     | 2       | 5     | 5     | 5            |             |
| Clinton, .....                | 12.22             | 22.61 | 50     | 50                    | -12            | 64     | 4        | 5     | ...      | 6      | 7.5      | 15    | 4        | 13.5                    | 14.5    | ...   | 2     | ...          |             |
| Cortland, .....               | 18.90             | 28.90 | 46     | 46                    | -12            | 58     | 4        | 2     | ...      | 5      | 2.5      | 6.5   | 6.5      | 23                      | 5       | 1.5   | 1     | 1.5          |             |
| Dutchess County, .....        | 22.90             | 32    | 50     | 50                    | -8             | 55     | 5        | 1     | ...      | 5      | 5        | 4.5   | 4.5      | 16.5                    | 22.5    | 1.5   | 2     | ...          |             |
| Erasmus Hall, .....           | 15.42             | 25.34 | 52     | 52                    | -3             | 5      | ...      | 4.5   | 2        | ...    | 1        | 4.5   | 17.5     | 15.5                    | 12.5    | 2     | 2     | 1            |             |
| Fairfield, .....              | 13.45             | 23.45 | 50     | 50                    | -20            | 70     | 5        | 1.5   | 2        | 5      | 4        | 11    | 12.5     | 15.5                    | 12.5    | 5     | 4     | ...          |             |
| Franklin, .....               | 14.92             | 28.45 | 60     | 60                    | -7             | 67     | 5        | 4     | 2        | 5      | 5        | 11    | 12.5     | 15.5                    | 12.5    | 1     | 5     | ...          |             |
| Fredonia, .....               | 16.39             | 26.96 | 55     | 55                    | -8             | 63     | 1        | 5     | 2        | ...    | 6.5      | 8     | 2.5      | 20                      | 8       | 1     | 2     | 3            |             |
| Gouverneur High School, ..... | 15.98             | 24.47 | 50     | 50                    | -23            | 73     | 1        | ...   | 5        | 1      | 10.5     | 1.5   | 4.5      | 10                      | 15.5    | 1.5   | 4.5   | 5            |             |
| Hamilton, .....               | 13.53             | 23.29 | 46     | 46                    | -16            | 62     | 11       | 3.5   | 2        | 1      | 6.5      | ...   | ...      | 21.5                    | 6.5     | 2.5   | 2     | ...          |             |
| Hartwick, .....               | 20.62             | 28.70 | 44     | 44                    | -2             | 42     | 5        | 3.5   | 5        | 10     | 5        | ...   | ...      | 15                      | 13      | 1.5   | 1.5   | 1            |             |
| Hudson, .....                 | 17.95             | 27.83 | 53     | 53                    | -12            | 65     | ...      | 3.5   | 1        | ...    | 1        | 22.5  | 13.5     | 17.5                    | 10.5    | 1.5   | 2     | ...          |             |
| Ithaca, .....                 | 17.05             | 29.59 | 47     | 47                    | -2             | 45     | ...      | 10.5  | 1        | 6.5    | ...      | 2.5   | 6.5      | 17.5                    | 10.5    | 1.5   | 1.5   | ...          |             |
| Johnstown, .....              | 15.69             | 24.16 | 47     | 47                    | -7             | 54     | 10.5     | 1.5   | 1        | 6.5    | ...      | 4     | 7.5      | 15.5                    | 12.5    | 3     | 2     | ...          |             |
| Kinderhook, .....             | 20.37             | 26.49 | 45     | 45                    | -12            | 57     | 8        | 1.5   | ...      | 7      | 2.5      | 11    | 6.5      | 14.5                    | 13.5    | 5     | 4     | ...          |             |
| Kingston, .....               | 15.83             | 23.86 | 42     | 42                    | -13            | 55     | 8        | 1.5   | ...      | 2      | 11       | 6.5   | 2        | 14                      | 14      | 1.5   | 7.5   | 1            |             |
| Lansingburgh, .....           | 18.96             | 29.40 | 54     | 54                    | -2             | 56     | 1        | 3     | 5        | 7.5    | 1.5      | 16    | 3        | 15.5                    | 12.5    | 1.5   | 1.5   | ...          |             |
| Lewiston, .....               | 13.96             | 21.68 | 55     | 55                    | -20            | 75     | 1        | ...   | ...      | 3.5    | 8.5      | ...   | ...      | 22                      | 6       | 2     | ...   | ...          |             |
| Lowville, .....               | 14.13             | 27.41 | 60     | 60                    | -14            | 74     | 5.5      | 1     | ...      | 1      | 5        | 3.5   | 8.5      | 14.5                    | 12.5    | 1.5   | 1.5   | ...          |             |
| Middlebury, .....             | 18.72             | 27.85 | 50     | 50                    | -9             | 59     | 1        | 1.5   | ...      | 3.5    | 5        | 5.5   | 9        | 21                      | 7       | 2     | ...   | ...          |             |
| Montgomery, .....             | 20.43             | 29.33 | 45     | 45                    | -6             | 39     | 6        | 1     | ...      | ...    | ...      | ...   | ...      | 24.5                    | 3.5     | ...   | ...   | ...          |             |
| Mount-Pleasant, .....         | 18.46             | 28.15 | 45     | 45                    | -2             | 43     | 7        | 2     | ...      | ...    | ...      | ...   | ...      | 24.5                    | 3.5     | ...   | ...   | ...          |             |
| Newburgh, .....               | 18.46             | 28.15 | 45     | 45                    | -2             | 43     | 7        | 2     | ...      | ...    | ...      | ...   | ...      | 24.5                    | 3.5     | ...   | ...   | ...          |             |

## FEBRUARY, 1831, (Continued.)

| ACADEMIES.                         | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       |       | Rain gauge. |              |
|------------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|-------|-------------|--------------|
|                                    | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. | Snow. |             | Rain & Snow. |
|                                    | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |       |             |              |
|                                    |                   |          |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |       |             |              |
| North-Salem.....                   | 15.95             | 28.06    | 42              | -11            | 53                    | 1.5    | 3        | .5    | 1        | ...    | 5.5      | 11.5  | 5                       | 22.5   | 5.5     | 2.5   | ...   | .5          | 2.54         |
| Oxford.....                        | 18.10             | 23.51    | 49              | -16            | 65                    | 1.5    | 1        | ...   | ...      | .5     | 7        | 10.5  | 7.5                     | 16.5   | 11.5    | 1     | ...   | .5          | 1.67         |
| Pompey.....                        | 12.48             | 23.62    | 45              | -5             | 50                    | 1      | ...      | .5    | 6        | .5     | 12       | 8.5   | 4.5                     | 13     | 16      | .5    | 5.5   | ...         | .55          |
| Redhook.....                       | 16.03             | 25.05    | 45              | -8             | 53                    | 4      | 3.5      | 1     | 2.5      | 6      | ...      | 2     | 4                       | 20.5   | 7.5     | 2     | 1.5   | .5          | 1.27         |
| Schenectady.....                   | 19.72             | 27.57    | 49              | -10            | 59                    | 4      | 1.5      | .5    | 3.5      | 1.5    | 4        | 5     | 2.5                     | 18     | 10      | 2     | 6     | ...         | 2.37         |
| St. Lawrence.....                  | 16.28             | 23.73    | 51              | -6             | 57                    | 1      | 2        | ...   | ...      | 1.5    | 12.5     | 8.5   | 2.5                     | 13.5   | 14.5    | 1     | 1.5   | ...         | .66          |
| Sem. of Gen. and One! Conferences, | 12.65             | 22.91    | 53              | -11            | 64                    | ...    | ...      | ...   | 2        | 5      | 8.5      | 7     | 10.5                    | 11.5   | 13.5    | 1     | 4     | .5          | 2.01         |
| Union.....                         | 18.46             | 22.99    | 54              | -14            | 70                    | ...    | 3        | .5    | 4        | 5      | 4        | 6     | 5.5                     | 14.5   | 13.5    | 1     | 5     | ...         | 1.37         |
| Union-Hall.....                    | 20.91             | 30.53    | 53              | -4             | 49                    | ...    | 5        | ...   | 2.5      | 1      | 1.5      | 19    | 18                      | 22     | 6       | 2     | 5.5   | ...         | 2.8          |
| Utica.....                         | 16.98             | 23.06    | 47              | -11            | 58                    | ...    | ...      | 7.5   | ...      | .5     | 1        | ...   | ...                     | 23.5   | 4.5     | 1     | 2.5   | .5          | 2.64         |



# MARCH, 1881.

## ACADEMIES.

| ACADEMIES.                   | THERMOMETER.      |          |       | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          | WEATHER, (NO. OF DAYS.) |          |        |         | Rain gauge. |       |       |              |
|------------------------------|-------------------|----------|-------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------------------------|----------|--------|---------|-------------|-------|-------|--------------|
|                              | Mean temperature. |          | Range | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West.                   | N. West. | Clear. | Cloudy. |             | Rain. | Snow. | Rain & Snow. |
|                              | 1st half.         | 2d half. |       |                       |                |        |          |       |          |        |          |                         |          |        |         |             |       |       |              |
| Albany.....                  | 39.75             | 42.46    | 48    | 66                    | 18             | 4      | 1.5      | 4     | 2        | 13.5   | 3.5      | 8.5                     | 3        | 16.5   | 14.5    | 9           | 3     | 2.38  |              |
| Buffalo.....                 | 35.65             | 40.82    | 38    | 56                    | 18             | 5      | 1.5      | 4     | 2        | 2.5    | 16.5     | 3.5                     | 1        | 7.5    | 23.5    | 3           | 2.5   | 3.60  |              |
| Cambridge, Washington,       | 38.08             | 39.56    | 64    | 64                    | 13             | 51     | 1        | 2     | 2.5      | 14.5   | 6        | 4.5                     | 1        | 9      | 22      | 6           | 1     | 3.71  |              |
| Canajoharie,.....            | 36.83             | 39.62    | 60    | 60                    | 18             | 42     | 3        | 1     | 2        | 12.5   | 3.5      | 11.5                    | 3        | 9.5    | 21.5    | 2           | 1     | 2.03  |              |
| Canandaigua,.....            | 37.98             | 39.25    | 70    | 60                    | 10             | 60     | 5        | 1     | 2        | 12.5   | 3.5      | 8.5                     | 4.5      | 16     | 15      | 2           | 1.5   | 1.24  |              |
| Cayuga.....                  | 41.53             | 42.81    | 69    | 69                    | 18             | 51     | 1.5      | 1.5   | 5        | 9.5    | 6.5      | 11.5                    | 4.5      | 11.5   | 19.5    | 3           | 8.5   | 2.64  |              |
| Cherry-Valley,.....          | 34.63             | 36.83    | 62    | 62                    | 3              | 59     | 1.5      | 1.5   | 2.5      | 6.5    | 7.5      | 2.5                     | 9        | 30.5   | 10.5    | 1.5         | 1.5   | 1.25  |              |
| Clinton.....                 | 39.34             | 40.48    | 62    | 62                    | 21             | 41     | 1.5      | 1.5   | 2.5      | 6      | 10       | 2                       | 4.5      | 22.5   | 8.5     | 4.5         | 1     | 3.50  |              |
| Dutchess County.....         | 40.77             | 45.31    | 66    | 66                    | 18             | 48     | 4.5      | 1.5   | 5        | 1      | 12.5     | 3                       | 11.5     | 22     | 9       | 7           | 1     | 4.29  |              |
| Erasmus Hall,.....           | 42.41             | 43.92    | 66    | 66                    | 24             | 42     | 5        | 2     | 7        | 5      | 1        | 5.5                     | 10.5     | 10     | 21      | 4.5         | 3.5   | 1.52  |              |
| Fairfield,.....              | 35.83             | 39.51    | 60    | 60                    | 13             | 47     | 2        | 7     | 5        | 1      | 2.5      | 12                      | 11       | 13.5   | 17.5    | 2.5         | 3.5   | 1.52  |              |
| Franklin,.....               | 34.73             | 37.25    | 60    | 60                    | 7              | 53     | 1        | 2     | 3        | 4.5    | 2.5      | 18                      | 2        | 13     | 18      | 2           | 2     | 2.15  |              |
| Fredonia,.....               | 37.83             | 40.13    | 63    | 63                    | 19             | 44     | 1        | 2     | 3        | 4.5    | 12       | 16                      | 2        | 11     | 20      | 6           | 2.5   | 3.0   |              |
| Gouverneur High School,..... | 36.35             | 39.01    | 63    | 63                    | 25             | 38     | 1        | 1     | 5        | 8.5    | 11       | 15                      | 10       | 21     | 10      | 1.5         | 3     | 2.15  |              |
| Hamilton,.....               | 35.40             | 38.99    | 69    | 60                    | 9              | 60     | .....    | ..... | .....    | 17.5   | .....    | 7.5                     | 5        | 9.5    | 21.5    | 3           | 3     | 2.58  |              |
| Hartwick,.....               | 34.77             | 37.60    | 60    | 60                    | 10             | 50     | .....    | ..... | .....    | 17.5   | .....    | 7.5                     | 5        | 16     | 15      | 3           | 3     | 2.49  |              |
| Hudson,.....                 | 40.71             | 44.28    | 64    | 64                    | 22             | 42     | 5.5      | 1.5   | 4.5      | 15.5   | 5        | 5                       | 1.5      | 16     | 15      | 3           | 5     | 1.55  |              |
| Ithaca,.....                 | 39.75             | 42.62    | 70    | 62                    | 12             | 58     | 6        | 5     | 4.5      | 5.5    | 1        | 5                       | 8.5      | 9.5    | 22.5    | 2.5         | 1     | 1.75  |              |
| Johnstown,.....              | 36.66             | 37.67    | 52    | 52                    | 12             | 40     | 2        | 1     | 1        | 13.5   | 5        | 27                      | 8.5      | 9.5    | 21.5    | 4           | 1.5   | 3.05  |              |
| Kinderhook,.....             | 38.21             | 41.28    | 64    | 64                    | 13             | 51     | 6        | 5     | 1.5      | 18.5   | 5        | 5                       | .....    | 11.5   | 19.5    | 4.5         | 2.5   | 2.56  |              |
| Kingston,.....               | 37.25             | 42.18    | 75    | 75                    | 21             | 54     | 2.5      | 1.5   | 1.5      | 13.5   | 3        | 15                      | 5        | 21.5   | 9.5     | 3           | 1     | 3.63  |              |
| Lansingburgh,.....           | 37.36             | 40.91    | 60    | 60                    | 14             | 46     | 5        | 5     | 1.5      | 4.5    | 9.5      | 2.5                     | 2.5      | 11.5   | 19.5    | 5           | 1     | 2.96  |              |
| Lewiston,.....               | 42.11             | 43.11    | 67    | 67                    | 22             | 45     | 2        | 2.5   | 2        | 4      | 4.5      | 2.5                     | 4.5      | 9.5    | 21      | 6.5         | 3     | 1.15  |              |
| Lowville,.....               | 34.39             | 36.25    | 57    | 57                    | 2              | 59     | .....    | ..... | .....    | 11     | 2        | 4.5                     | 4.5      | 10     | 21      | 6.5         | 5.5   | 1.35  |              |
| Lovell,.....                 | 34.99             | 36.25    | 57    | 57                    | 2              | 59     | .....    | ..... | .....    | 11     | 2        | 4.5                     | 4.5      | 10     | 21      | 6.5         | 5.5   | 1.35  |              |
| Middlebury,.....             | 37.76             | 39.94    | 67    | 67                    | 8              | 59     | .....    | ..... | .....    | 17     | 2.5      | 7.5                     | 3        | 9.5    | 21.5    | 3           | 5.5   | 1.44  |              |
| Montgomery,.....             | 39.44             | 43.49    | 70    | 70                    | 18             | 52     | 3        | 4     | 5        | 10     | 4        | 7.5                     | 5.5      | 18.5   | 12.5    | 3           | 5     | 2.03  |              |
| Mont-Pleasant,.....          | 40.18             | 42.11    | 62    | 62                    | 21             | 41     | 1.5      | 4     | 2        | 3      | 6        | 1                       | 4.5      | 15.5   | 15.5    | 5.5         | ..... | 2.64  |              |
| Newburgh,.....               | 39.79             | 42.94    | 64    | 64                    | 20             | 44     | 1        | 1.5   | 1        | 6      | 15.5     | 1                       | 2.5      | 24     | 7       | 3           | 1     | 1.08  |              |
| North-Salem,.....            | 38.80             | 43.32    | 44    | 65                    | 21             | 44     | 1        | 1.5   | 2        | 4.5    | 8        | 2                       | 11       | 19.5   | 11.5    | 6           | 1.5   | 2.38  |              |

## MARCH, 1831, (Continued.)

| ACADEMIES.                                    | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain page. |       |              |
|---|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|------------|-------|--------------|
|   | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |            | Snow. | Rain & Snow. |
|   |                   |          |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
|   | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
| Oxford, . . . . .                             | 36.46             | 40.04    | 67              | 10             | 57                    | 2.5    | 2.5      | .5    | 1        | 4.5    | 9        | 7     | 6.5                     | 11     | 20      | 3.5   | 1.5        | 1     | 1.21         |
| Pompey, . . . . .                             | 33.88             | 36.48    | 65              | 7              | 58                    | 2.5    | 2.5      | .5    | 4.5      | 4.5    | 1.5      | 14.5  | 9.5                     | 4.5    | 6       | 23    | 2.5        | 8     | 2.95         |
| Redhook, . . . . .                            | 38.64             | 41.89    | 65              | 20             | 45                    | 5.5    | 5.5      | .5    | 3        | 14.5   | 1.5      | 5     | 5.5                     | 2      | 15      | 16    | 4          | 1     | 2.11         |
| Schenectady, . . . . .                        | 39.13             | 42.06    | 64              | 18             | 46                    | 2.5    | 2.5      | 1     | 5.5      | 5      | 8        | 1.5   | 6.5                     | 6      | 17      | 14    | 2          | 1.5   | 2.90         |
| St. Lawrence, . . . . .                       | 35.99             | 34.99    | 64              | 11             | 53                    | 1      | 1        | 1     | .5       | 8      | 13       | 4     | 8.5                     | 7.5    | 10      | 21    | 4.5        | 2.5   | 1.88         |
| Sem. of Gen. and Ocul. Conferences, . . . . . | 31.77             | 37.98    | 64              | 10             | 54                    | 1.5    | 1.5      | .5    | .5       | 12     | 5        | 3     | 0.5                     | 2.5    | 7.5     | 23.5  | 2          | 2.5   | 1.87         |
| Union, . . . . .                              | 37.44             | 39.03    | 60              | 8              | 52                    | 1.5    | 1.5      | .5    | 2.5      | 5      | 12       | 10.5  | 0.5                     | 16.5   | 9.5     | 21.5  | 1          | 1     | 3.23         |
| Union-Hall, . . . . .                         | 40.13             | 42.23    | 67              | 20             | 47                    | 2.5    | 2.5      | 8     | 5        | 2.5    | 5        | 5     | 13                      | 22     | 9       | 4     | 3          | 2     | 1.90         |
| Pttee, . . . . .                              | 37.00             | 39.27    | 68              | 16             | 50                    |        |          |       |          |        |          |       |                         | 15.5   | 13.5    | 7     | 3          | 2     |              |

APRIL, 1881.

| ACADEMIES.                    | THERMOMETER.      |          |                | WINDS, (NO. OF DAYS.) |        |        |          |       |          |        | WEATHER, (NO. OF DAYS.) |       |          |        | Rain gauge. |         |       |       |            |
|-------------------------------|-------------------|----------|----------------|-----------------------|--------|--------|----------|-------|----------|--------|-------------------------|-------|----------|--------|-------------|---------|-------|-------|------------|
|                               | Mean temperature. |          | Lowest degree. | Highest degree.       | Range. | North. | N. East. | East. | S. East. | South. | S. West.                | West. | N. West. | Clear. |             | Cloudy. | Rain. | Snow. | Rain&Snow. |
|                               | 1st half.         | 2d half. |                |                       |        |        |          |       |          |        |                         |       |          |        |             |         |       |       |            |
| Albany, .....                 | 50.25             | 53.91    | 32             | 80                    | 48     | 5      | 2.5      | 5     | 1.5      | 10     | 3.5                     | 4.5   | 7        | 15     | 12          | 1       | ..... | ..... | 4.89       |
| Buffalo, .....                | 39.97             | 47.15    | 30             | 72                    | 42     | 1.5    | 5        | 1.5   | 1.5      | 10     | 15.5                    | 1.5   | 2        | 16     | 14          | 1       | ..... | ..... | .....      |
| Cambridge, Washington, .....  | 43.14             | 50.50    | 27             | 74                    | 47     | 12.5   | .....    | ..... | .....    | 10     | .....                   | 3     | 4.5      | 12.5   | 17.5        | 7       | 1     | ..... | .....      |
| Canandaigua, .....            | 44.70             | 47.06    | 30             | 69                    | 39     | 3      | .....    | ..... | .....    | 11.5   | 5.5                     | 10    | .....    | 14     | 16          | 2       | 9     | ..... | 3.20       |
| Cayuga, .....                 | 46.95             | 51.68    | 30             | 74                    | 44     | 5.5    | .....    | ..... | .....    | 9.5    | 5                       | 12.5  | 2        | 19     | 11          | 0       | 5     | ..... | 3.76       |
| Cherry-Valley, .....          | 44.10             | 47.57    | 23             | 72                    | 49     | 1.5    | 4.5      | 2     | .....    | 4      | 3.5                     | 9.5   | 5        | 15.5   | 14.5        | 5       | 1     | 2.5   | 6.23       |
| Clinton, .....                | 45.56             | 47.10    | 30             | 60                    | 30     | 1.5    | 3.5      | 4     | 3        | 6.5    | 3                       | 2.5   | 6        | 19     | 11          | 5.5     | ..... | ..... | 6.81       |
| Dutchess County, .....        | 51.25             | 55.15    | 74             | 74                    | 28     | 46     | 3        | 4     | .....    | 1.5    | 3                       | 11.5  | 2        | 15     | 11.5        | 6       | ..... | ..... | 6.81       |
| Erasmus Hall, .....           | 47.88             | 51.56    | 73             | 73                    | 32     | 4      | .....    | ..... | 4.5      | 2.5    | 8.5                     | 1     | 8        | 15     | 15          | 10      | 1     | ..... | 5.98       |
| Fairfield, .....              | 42.99             | 49.64    | 68             | 68                    | 21     | 1.5    | 1        | 11    | 2        | 2.5    | .....                   | 1.5   | 3        | 11     | 5           | 10      | 1     | ..... | 1.80       |
| Franklin, .....               | 41.49             | 46.41    | 19             | 80                    | 61     | 2      | 6.5      | 1.5   | 2.5      | 3      | 2.5                     | 3     | 9        | 16     | 14          | 7       | 2     | ..... | 1.95       |
| Fredonia, .....               | 44.82             | 50.13    | 86             | 86                    | 28     | 58     | 6        | 4     | .....    | 1      | 4                       | 10.5  | 3        | 15     | 15          | 4       | 3     | ..... | 3.25       |
| Gouverneur High School, ..... | 43.98             | 49.71    | 30             | 70                    | 40     | 5      | 3.5      | 2.5   | 2.5      | 5      | 7.5                     | 9.5   | 3.5      | 15     | 15          | 4       | 3     | ..... | 4.18       |
| Hamilton, .....               | 44.65             | 48.84    | 24             | 72                    | 48     | 8.5    | .....    | ..... | .....    | 12.5   | 1.5                     | 5.5   | 8        | 13     | 17          | 5       | 1     | ..... | 5.09       |
| Hartwick, .....               | 44.09             | 46.46    | 24             | 72                    | 48     | 2      | 2        | 1     | 3        | 9      | 1.5                     | 1.5   | 1.5      | 15     | 15          | 5       | 1     | ..... | 4.25       |
| Rudon, .....                  | 50.15             | 53.17    | 30             | 80                    | 40     | 4      | 2        | 1     | 3        | 9      | 1.5                     | 1.5   | 1.5      | 15     | 15          | 5       | 1     | ..... | 4.87       |
| Ithaca, .....                 | 47.32             | 55.29    | 80             | 80                    | 35     | 45     | 4        | ..... | 1        | .....  | 2                       | 8     | 2.5      | 9.5    | 20.5        | 4       | 1.5   | ..... | 3.25       |
| Johnstown, .....              | 44.50             | 52.72    | 71             | 77                    | 25     | 52     | 4        | ..... | 1        | 11.5   | .....                   | 11    | 5        | 13.5   | 16.5        | 9       | 5     | ..... | 5.53       |
| Kinderhook, .....             | 47.91             | 50.42    | 77             | 77                    | 33     | 45     | 4        | ..... | 1        | 3      | 1                       | 2.5   | 11       | 19     | 11          | 6       | ..... | ..... | 4.48       |
| Kingston, .....               | 52.12             | 55.10    | 78             | 78                    | 33     | 45     | 4        | ..... | 1        | .....  | 2.5                     | 3.5   | 10.5     | 14     | 16          | 7       | 2     | ..... | 5.18       |
| Lansingburgh, .....           | 47.63             | 50.33    | 20             | 72                    | 30     | 42     | 9.5      | 1.5   | .....    | 11     | 1.5                     | 2     | 4        | 15     | 15          | 10      | 1     | ..... | 3.29       |
| Lewiston, .....               | 46.34             | 49.38    | 70             | 70                    | 20     | 50     | 2        | 4     | 5.5      | 2      | 1                       | 9     | 3        | 17     | 13          | 3.5     | ..... | ..... | 3.88       |
| Lowville, .....               | 42.47             | 48.11    | 16             | 76                    | 21     | 55     | 5        | ..... | 8.5      | .....  | 15                      | 4     | 5.5      | 12.5   | 17.5        | 3.5     | 1.5   | ..... | 3.66       |
| Middlebury, .....             | 43.37             | 49.27    | 78             | 78                    | 16     | 62     | 4        | 1     | .....    | .....  | .....                   | 2     | 2        | 13     | 12.5        | 6.5     | ..... | ..... | 5.63       |
| Montgomery, .....             | 50.19             | 52.55    | 76             | 76                    | 30     | 46     | 1.5      | 3     | 1        | 7.5    | 9.5                     | 5     | 2        | 13     | 17          | 6       | ..... | ..... | 3.93       |
| Mount-Pleasant, .....         | 47.99             | 51.78    | 64             | 74                    | 32     | 42     | 4        | 1.5   | 2        | 2      | 7.5                     | 5.5   | 4        | 13     | 17          | 2.5     | ..... | ..... | 1.29       |
| Newburgh, .....               | 48.79             | 51.96    | 33             | 64                    | 33     | 31     | 5        | 3.5   | 1.5      | 4      | 4                       | 3.5   | 1.5      | 13     | 12          | 8       | ..... | ..... | 5.79       |
| North-Salem, .....            | 47.91             | 50.85    | 76             | 76                    | 29     | 46     | 6        | 3.5   | 4        | 1.5    | 6                       | 2     | 7.5      | 16.5   | 13.5        | 5       | ..... | ..... | 1.88       |
| Oxford, .....                 | 46.28             | 49.43    | 27             | 75                    | 48     | 3      | 2        | 2.5   | 2        | 4.5    | 2                       | 9.5   | 4.5      | 15     | 15          | 5.5     | 1.5   | ..... | .....      |

## APRIL, 1831, (Continued.)

| ACADEMIES.                          | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain page. |       |              |
|-------------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|------------|-------|--------------|
|                                     | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |            | Snow. | Rain & Snow. |
|                                     |                   |          |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
|                                     | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
| Pompey, .....                       | 41.08             | 44.84    | 69              | 19             | 50                    | 3      | 1.5      | 1.5   | 1.5      | 2      | 6        | 6.5   | 3                       | 11.5   | 18.5    | 5.5   | 5          | ..... | 1.72         |
| Redbook, .....                      | 43.06             | 52.68    | 75              | 30             | 45                    | 9      | 3.5      | 1.5   | 1        | 11     | 1        | 2     | 1                       | 12     | 18      | 5.5   | 5          | ..... | 5.99         |
| Schenectady, .....                  | 46.21             | 53.05    | 80              | 29             | 51                    | 4      | 5        | 1.5   | 1        | 1.5    | 1        | 4.5   | 10.5                    | 16.5   | 18.5    | 4.5   | .....      | ..... | 4.45         |
| St. Lawrence, .....                 | 41.59             | 48.02    | 65              | 23             | 43                    | 1      | 8        | ..... | 5        | 5      | 11       | 2.5   | 8.5                     | 10     | 20      | 5     | 1.5        | ..... | 2.40         |
| Sem. of Gen. and Oasd. Conferences, | 41.34             | 45.01    | 74              | 24             | 50                    | 2.5    | .5       | 1.5   | 3        | 5      | 2        | 4     | 12                      | 14     | 16      | 4.5   | .....      | ..... | 4.81         |
| Union, .....                        | 47.74             | 42.89    | 70              | 26             | 44                    | 4.5    | 1        | 1     | 2.5      | 5.5    | 3.5      | 8.5   | 3.5                     | 12.5   | 17.5    | 2     | 5          | ..... | 2.45         |
| Union-Hall, .....                   | 46.05             | 50.30    | 77              | 30             | 47                    | .....  | 5        | 1     | 4.5      | 1      | 4        | 1     | 13.5                    | 17     | 13      | 5     | .....      | ..... | 5.73         |
| Ulster, .....                       | 45.47             | 50.50    | 74              | 22             | 52                    | .....  | .....    | 5.5   | 5        | .....  | 4.5      | 15    | .....                   | 18     | 12      | 11    | 1          | ..... | 5.39         |

MAY, 1831.

| ACADEMIES.                  | THERMOMETER.      |          |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain gauge. |       |              |
|-----------------------------|-------------------|----------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|-------------|-------|--------------|
|                             | Mean temperature. |          | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |             | Snow. | Rain & Snow. |
|                             |                   |          |                |                       |        |          |       |          |        |          |       |                         |        |         |       |             |       |              |
|                             | 1st half.         | 2d half. |                |                       |        |          |       |          |        |          |       |                         |        |         |       |             |       |              |
| Albany.....                 | 57.20             | 67.12    | 36             | 53                    | .5     | 1        | ...   | 1        | 15     | 2        | 4     | 7.5                     | 17.5   | 13.5    | 12    | 1           | ...   | 2.88         |
| Buffalo.....                | 51.85             | 61.21    | 35             | 45                    | ...    | 5.5      | .5    | ...      | 2.5    | 16.5     | 4     | 1.5                     | 22     | 9       | 3.5   | 1.5         | ...   | ...          |
| Cambridge, Washington, ..   | 62.01             | 60.18    | 40             | 45                    | 3      | ...      | ...   | ...      | 15.5   | 4        | 6     | 2                       | 2.5    | 14      | 5.5   | ...         | ...   | 2.30         |
| Canajoharie.....            | 54.74             | 62.26    | 29             | 62                    | .5     | 3        | ...   | ...      | ...    | 3.5      | 12    | 1.5                     | 17     | 11      | 4     | ...         | ...   | 4.60         |
| Canandaigua.....            | 58.01             | 64.54    | 32             | 58                    | ...    | 1        | ...   | ...      | 17     | 2.5      | 8     | 2                       | 20     | 11      | 6     | 1           | ...   | ...          |
| Cayuga.....                 | 50.56             | 64.85    | 33             | 55                    | 4.5    | ...      | ...   | ...      | 11.5   | 5        | 8     | 6.5                     | 18.5   | 12.5    | 4.5   | 1           | ...   | 3.20         |
| Cherry-Valley.....          | 52.14             | 50.74    | 30             | 60                    | ...    | 4        | 3     | ...      | 1      | 1.5      | 7.5   | 3.5                     | 15     | 16      | 6.5   | 1           | ...   | 2.34         |
| Clinton, T.....             | 51.13             | 59.16    | 35             | 51                    | .5     | ...      | 6.5   | 4        | 6.5    | 8.5      | 3     | 2                       | 24.5   | 6.5     | 2.5   | ...         | ...   | 4.20         |
| Cortland.....               | 49.64             | 60.93    | 24             | 72                    | ...    | 1        | 1     | 11.5     | 4      | 6.5      | 2     | 3                       | 21     | 18      | 4.5   | 1           | ...   | 4.64         |
| Dutchess County.....        | 56.04             | 67.07    | 32             | 62                    | 4      | ...      | 2.5   | 7        | 10     | 2        | 1     | 3.5                     | 23     | 10      | 6.5   | ...         | ...   | ...          |
| Essex Hall.....             | 54.65             | 65.32    | 39             | 53                    | ...    | 4        | 8.5   | 3.5      | 2      | 12.5     | 2     | 6                       | 17.5   | 13.5    | 7     | ...         | ...   | 3.40         |
| Fairfield.....              | 50.90             | 60.09    | 28             | 58                    | .5     | ...      | 2     | 1.5      | 2.5    | 3        | 12    | 9.5                     | 16     | 15      | 5     | 1           | ...   | 2.36         |
| Franklin.....               | 50.79             | 59.43    | 28             | 64                    | 1      | 2.5      | 8     | 1        | ...    | ...      | ...   | 15                      | 16     | 15      | 6     | 1           | ...   | 1.80         |
| Fredonia.....               | 53.35             | 61.56    | 30             | 56                    | 4.5    | 3        | ...   | ...      | 1      | 9.5      | 11.5  | 2.5                     | 16     | 15      | 8     | ...         | ...   | 2.89         |
| Gouverneur High School..... | 50.73             | 61.26    | 31             | 44                    | ...    | 3.5      | 1     | 2.5      | ...    | 12       | 9.5   | 2.5                     | 19.5   | 11.5    | 4.5   | 1.5         | ...   | 2.52         |
| Hamilton.....               | 53.52             | 65.49    | 24             | 67                    | 2      | ...      | ...   | ...      | 13.5   | 3        | 2.5   | 9                       | 24     | 7       | 1.5   | 1           | ...   | 1.49         |
| Hartwick.....               | 51.29             | 60.98    | 30             | 56                    | ...    | ...      | 1     | 1        | 15.5   | 4.5      | 1.5   | 8.5                     | 13     | 18      | 7.5   | 1           | ...   | 3.64         |
| Hudson.....                 | 62.86             | 71.78    | 64             | 94                    | 7      | 4        | 1     | 1.5      | 14     | 1.5      | ...   | 2                       | 18     | 13      | 4     | ...         | ...   | 2.95         |
| Johnstown.....              | 54.36             | 64.22    | 40             | 54                    | .5     | 2.5      | 6.5   | 1        | ...    | ...      | 17.5  | 2                       | 16.5   | 14.5    | 5     | 1           | ...   | 2.23         |
| Kinderhook.....             | 54.83             | 63.72    | 34             | 52                    | 4      | 1.5      | .5    | 1.5      | 12.5   | 2        | 1     | 8.5                     | 15     | 16      | 9     | ...         | ...   | 2.95         |
| Kingson.....                | 57.19             | 67.78    | 31             | 58                    | ...    | 9.5      | ...   | 6.5      | 3.5    | 8        | 1     | 1.5                     | 21.5   | 9.5     | 4     | 1           | ...   | 3.16         |
| Lansingburgh.....           | 56.02             | 65.89    | 32             | 61                    | ...    | 1        | 1     | 1        | 15.5   | 5        | 5.5   | 1.5                     | 18     | 13      | 7     | 1           | ...   | 2.73         |
| Lewiston.....               | 52.81             | 66.27    | 38             | 45                    | ...    | 2.5      | ...   | 2.5      | 2      | 16.5     | 4     | 3.5                     | 17     | 14      | 3.5   | ...         | ...   | 1.57         |
| Lowville.....               | 51.67             | 61.82    | 29             | 61                    | 2      | ...      | 1     | 4        | 3      | 4        | 8     | 9                       | 18.5   | 12.5    | 7.5   | 1.5         | ...   | 2.75         |
| Middlebury.....             | 52.50             | 60.43    | 25             | 65                    | 5.5    | 2        | ...   | ...      | 8.5    | 15       | 3.5   | 5                       | 14     | 17      | 4     | ...         | ...   | 2.50         |
| Montgomery.....             | 55.08             | 67.12    | 34             | 58                    | ...    | 2.5      | 1     | ...      | 5      | 10       | 7.5   | 1                       | 14.5   | 16.5    | 4.5   | ...         | ...   | 1.84         |
| Mount-Pleasant.....         | 51.67             | 70.05    | 35             | 58                    | .5     | 2.5      | 3.5   | 1.5      | 9.5    | 6        | 1.5   | 6                       | 17     | 14      | 6     | ...         | ...   | 2.79         |
| North-Salem.....            | 54.37             | 66.35    | 38             | 54                    | ...    | 5        | 1     | ...      | 5.5    | 7        | 3     | 9                       | 20     | 11      | 5     | ...         | ...   | 3.41         |
| Oxford.....                 | 53.03             | 67.51    | 26             | 68                    | 3.5    | 2.5      | 1.5   | 1.5      | 6      | 5        | 7     | 3                       | 15     | 16      | 4     | 1           | ...   | 1.23         |

## MAY, 1831, (Continued.)

| ACADEMIES.                         | THERMOMETER.      |          |                 | WINDS, (NO. OF DAYS.) |        |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       |              | Rain Gage. |
|------------------------------------|-------------------|----------|-----------------|-----------------------|--------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|--------------|------------|
|                                    | Mean temperature. |          | Highest degree. | Lowest degree.        | Range. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. | Rain & Snow. |            |
|                                    |                   |          |                 |                       |        |        |          |       |          |        |          |       |          |                         |         |       |       |              |            |
|                                    | 1st half.         | 2d half. |                 |                       |        |        |          |       |          |        |          |       |          |                         |         |       |       |              |            |
| Pompey, .....                      | 49.62             | 59.73    | 58              | 27                    | 56     | 8.5    | 1        | .5    | 2.5      | 1      | 16       | 2.5   | 4        | 17.5                    | 13.5    | 5     | 1     | 1.67         |            |
| Redhook, .....                     | 57.85             | 72.34    | 58              | 42                    | 46     | 9.5    | 4        | 2     | 4.5      | 10     | .....    | .5    | 1.5      | 19.5                    | 11.5    | 4.5   | .5    | 3.92         |            |
| Schenectady, .....                 | 57.18             | 65.49    | 59              | 37                    | 52     | 9.5    | 2.5      | 1.5   | 4        | 6      | .....    | .5    | 13       | 19.5                    | 12.5    | 4     | .5    | 2            |            |
| St. Lawrence, .....                | 50.71             | 61.42    | 58              | 32                    | 56     | 1      | 3.5      | .5    | .5       | 3.5    | 16.5     | 4     | 1.5      | 18.5                    | 14.5    | 2     | 1     | 3.64         |            |
| Sem. of Gen. and Oval. Conference, | 50.25             | 61.15    | 59              | 28                    | 63     | 4      | 3.5      | ..... | 1.5      | 5      | 6.5      | 4.5   | 9        | 18.5                    | 13.5    | 2.5   | 1     | 2.71         |            |
| Union, .....                       | 53.14             | 51.63    | 57              | 33                    | 55     | 5      | 2        | ..... | 2.5      | 10.5   | 3        | 8     | .....    | 16                      | 15      | 3.5   | 1     | 1.22         |            |
| Union-Hall, .....                  | 53.35             | 64.10    | 59              | 33                    | 57     | .5     | 3.5      | 1     | 1        | .5     | 16.5     | .5    | 7.5      | 24                      | 7       | 4.5   | ..... | 2.89         |            |
| Utica, .....                       | 53.50             | 63.49    | 57              | 28                    | 59     | .....  | .....    | 2.5   | 4.5      | 1.5    | 4        | 18.5  | .....    | 23.5                    | 7.5     | 6     | 1     | 2.92         |            |

# JUNE, 1831.

| ACADEMIES.                    | THERMOMETER.      |          |       | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       | Rain gauge. |              |
|-------------------------------|-------------------|----------|-------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|-------------|--------------|
|                               | Mean temperature. |          | Range | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. |             | Rain & Snow. |
|                               | 1st half.         | 2d half. |       |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |             |              |
| Albany, .....                 | 74.60             | 71.03    | 46    | 94                    | 48             | .5     | .....    | 2.5   | 14.5     | 2.5    | 2.5      | 7     | 18       | 12                      | 11      | ..... | ..... | 4.04        |              |
| Buffalo, .....                | 75.01             | 70.66    | 34    | 89                    | 55             | .....  | 7        | ..... | 3.5      | 2.5    | 10       | 1     | 6        | 22                      | 8       | 2     | ..... | 3.80        |              |
| Cambridge, Washington, .....  | 65.27             | 70.39    | 52    | 98                    | 46             | 4      | .....    | ..... | .....    | 14     | 3        | 4     | 4.5      | 18.5                    | 11.5    | 8.5   | ..... | 3.21        |              |
| Canajoharie, .....            | 73.24             | 64.16    | 36    | 93                    | 50             | 2      | 1.5      | 4.5   | 6.5      | 1      | 4        | 11.5  | .....    | 18.5                    | 11.5    | 2.5   | ..... | 4.49        |              |
| Canandaigua, .....            | 70.01             | 66.33    | 43    | 90                    | 54             | 2      | .....    | ..... | 12       | .....  | 3        | 11    | .....    | 18.5                    | 11.5    | 11.5  | ..... | 4.78        |              |
| Cayuga, .....                 | 71.04             | 67.17    | 38    | 88                    | 50             | 4.5    | .....    | ..... | 1        | 14     | .....    | ..... | 1.5      | 21.5                    | 8.5     | 5.5   | ..... | 4.68        |              |
| Cherry-Valley, .....          | 71.25             | 63.78    | 48    | 90                    | 42             | 1.5    | 5.5      | 5.5   | 5.5      | 4      | 3        | 7     | 6        | 19.5                    | 10.5    | 7     | ..... | 3.00        |              |
| Clinton, .....                | 67.66             | 68.63    | 48    | 94                    | 46             | .....  | 1        | ..... | 2        | 6.5    | 6.5      | 1.5   | 1.5      | 23.5                    | 10.5    | 2.5   | ..... | 2.37        |              |
| Cortland, .....               | 69.76             | 66.03    | 57    | 85                    | 38             | 1      | .....    | ..... | .....    | 5.5    | 7.5      | 4     | 10       | 23                      | 7       | 4.5   | ..... | 4.23        |              |
| Dutchess County, .....        | 75.56             | 72.06    | 50    | 96                    | 50             | 6.5    | .....    | ..... | 5        | 14.5   | 1        | ..... | .....    | 23                      | 8       | 5     | ..... | 1.48        |              |
| Erasmus Hall, .....           | 72.42             | 71.18    | 42    | 94                    | 52             | .....  | 3.5      | ..... | 3.5      | 6      | 12.5     | 1.5   | 2.5      | 13.5                    | 16.5    | 8.5   | ..... | 3.40        |              |
| Fairfield, .....              | 69.02             | 65.09    | 41    | 93                    | 41             | .....  | .....    | ..... | .....    | 5      | 2        | 11.5  | 10.5     | 19.5                    | 10.5    | 7.5   | ..... | 3.97        |              |
| Franklin, .....               | 65.08             | 64.62    | 38    | 90                    | 40             | 2      | 2        | 1     | 3.5      | 1      | 5        | 3     | 3        | 19                      | 11      | 7     | ..... | 4.17        |              |
| Frederick, .....              | 73.95             | 69.45    | 50    | 90                    | 52             | 6      | 2        | ..... | .....    | 4      | 2        | 13    | 2.5      | 22.5                    | 7.5     | 5.5   | ..... | 4.20        |              |
| Gouverneur High School, ..... | 65.77             | 63.22    | 33    | 95                    | 33             | .....  | 3.5      | ..... | .....    | .....  | 11.5     | 12    | 2.5      | 20                      | 10      | 3     | ..... | 5.06        |              |
| Hamilton, .....               | 70.76             | 64.37    | 47    | 96                    | 34             | 1      | .....    | ..... | .....    | .....  | 12       | 6.5   | 2.5      | 20                      | 10      | 3     | ..... | 3.60        |              |
| Hartwick, .....               | 76.54             | 70.76    | 39    | 90                    | 43             | .....  | 4        | ..... | 1.5      | 14.5   | 1.5      | ..... | 2        | 18.5                    | 11.5    | 5.5   | ..... | 5.07        |              |
| Hudson, .....                 | 77.50             | 72.63    | 29    | 93                    | 54             | 7.5    | .....    | ..... | 1        | 15     | 2        | 16.5  | 3        | 13.5                    | 16.5    | 6.5   | ..... | 5.62        |              |
| Ithaca, .....                 | 77.63             | 72.70    | 46    | 91                    | 62             | .....  | 5.5      | ..... | .....    | 13.5   | 5        | 6     | 2.5      | 19.5                    | 10.5    | 8.5   | ..... | 5.87        |              |
| Johnstown, .....              | 74.49             | 67.61    | 40    | 96                    | 50             | .....  | .....    | ..... | 1        | 4.5    | 3.5      | 2.5   | 2.5      | 21.5                    | 8.5     | 5.5   | ..... | 3.86        |              |
| Kinderhook, .....             | 71.96             | 67.17    | 42    | 91                    | 42             | 8      | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 20                      | 10      | 5     | ..... | 3.18        |              |
| Kingston, .....               | 75.06             | 69.53    | 45    | 93                    | 54             | 39     | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 22.5                    | 7.5     | 6.5   | ..... | 2.10        |              |
| Lansingburgh, .....           | 75.11             | 69.53    | 48    | 96                    | 48             | .....  | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 21.5                    | 8.5     | 6     | ..... | 4.89        |              |
| Lewiston, .....               | 68.68             | 70.41    | 30    | 88                    | 58             | .....  | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 22.5                    | 7.5     | 5     | ..... | 4.23        |              |
| Lowville, .....               | 72.51             | 66.44    | 59    | 93                    | 36             | .....  | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 18.5                    | 11.5    | 6     | ..... | 3.44        |              |
| Middlebury, .....             | 71.22             | 66.56    | 44    | 95                    | 36             | .....  | .....    | ..... | .....    | 15.5   | 17       | 2     | 1.5      | 18.5                    | 11.5    | 5     | ..... | 3.81        |              |
| Montgomery, .....             | 73.07             | 70.34    | 48    | 92                    | 44             | 1      | 2        | 1     | 3.5      | 11     | 7        | 6.5   | 4.5      | 15                      | 20      | 10    | ..... |             |              |
| Mount Pleasant, .....         | 72.45             | 69.10    | 46    | 94                    | 46             | .....  | 1.5      | ..... | .....    | 11     | 5        | 11    | 1.5      | 15                      | 20      | 10    | ..... |             |              |
| North-Salem, .....            | 73.58             | 71.30    | 49    | 93                    | 49             | .....  | .....    | ..... | .....    | 1.5    | 10       | 1.5   | 1.5      | 20                      | 10      | 5.5   | ..... |             |              |

## ACADEMIES.

## JUNE, 1831, (Continued.)

| ACADEMIES.                          | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       |          |        | WEATHER, (NO. OF DAYS.) |       |       |              |       | Rain gauge. |
|-------------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|----------|--------|-------------------------|-------|-------|--------------|-------|-------------|
|                                     | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear. | Cloudy.                 | Rain. | Snow. | Rain & Snow. |       |             |
|                                     |                   |          |                 |                |                       |        |          |       |          |        |          |       |          |        |                         |       |       |              |       |             |
|                                     | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |          |        |                         |       |       |              |       |             |
| Oxford,.....                        | 71.94             | 67.90    | 91              | 48             | 43                    | 3.5    | 3.5      | 3     | 2.5      | 4      | 2.5      | 7.5   | 8.5      | 18     | 12                      | 8     | ..... | .....        | 4.87  |             |
| Pompey,.....                        | 70.21             | 64.98    | 85              | 46             | 39                    | 1.5    | 1        | 2     | 4.5      | 1      | 15.5     | 4     | .5       | 19     | 11                      | 7     | ..... | .....        | 4.14  |             |
| Redhook,.....                       | 74.85             | 69.99    | 89              | 50             | 39                    | 7      | 2        | 3     | 2.5      | 13     | 1.5      | 1     | .....    | 20.5   | 9.5                     | 7     | ..... | .5           | 8.50  |             |
| Schenectady,.....                   | 74.64             | 64.40    | 93              | 47             | 46                    | 3      | 4.5      | 2     | 3.5      | 6      | .5       | 4     | 6.5      | 19.5   | 10.5                    | 8.5   | ..... | .....        | 4.10  |             |
| St. Lawrence,.....                  | 72.87             | 63.24    | 93              | 40             | 53                    | 3.5    | 3        | ..... | 1.5      | 2      | 12       | 4     | 4        | 20.5   | 9.5                     | 5.5   | ..... | .....        | 2.91  |             |
| Sem. of Gen. and Onei. Conferences, | 70.49             | 63.85    | 92              | 47             | 45                    | 1.5    | 2.5      | 1     | .5       | 3.5    | 7.5      | 2     | 11.5     | 21     | 9                       | 3     | ..... | .....        | 6.10  |             |
| Union,.....                         | 73.33             | 66.95    | 95              | 40             | 55                    | 2.5    | 2.5      | ..... | .5       | 5      | 6        | 11    | 2.5      | 23.5   | 6.5                     | 2.5   | ..... | .....        | 2.10  |             |
| Union-Hall,.....                    | 70.30             | 69.81    | 90              | 48             | 42                    | .....  | 2        | 1     | 3.5      | 5      | 12.5     | ..... | 10.5     | 23     | 7                       | 7     | ..... | .....        | 1.60  |             |
| Utica,.....                         | 70.00             | 63.71    | 89              | 42             | 47                    | .....  | .....    | 1     | 1.5      | 8      | 3.5      | 12    | .....    | 23     | 7                       | 7     | ..... | .....        | 3.23  |             |
| Washington,.....                    | 69.83             | 69.41    | 90              | 48             | 42                    | 4      | 1        | 1.5   | 1        | 5      | 8.5      | 4.5   | 4        | 15     | 15                      | 7     | ..... | .....        | ..... |             |



JULY, 1831.

| ACADEMIES.                    | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain p.p. |       |              |
|-------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|-----------|-------|--------------|
|                               | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |           | Snow. | Rain & Snow. |
|                               | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |           |       |              |
| Albany, .....                 | 72.11             | 73.43    | 90              | 50             | 40                    | .5     | 1        | 2.5   | 1.5      | 13.5   | 1.5      | 4.5   | 4.5                     | 19.5   | 11.5    | 10    | .....     | 4.32  |              |
| Buffalo, .....                | 73.38             | 74.04    | 88              | 57             | 31                    | 3.5    | 2.5      | ..... | 1.5      | 17     | 1        | 4.5   | 4.5                     | 21.5   | 9.5     | 2.5   | .....     | 5.79  |              |
| Cambridge, Washington, .....  | 69.57             | 73.35    | 95              | 52             | 43                    | 2      | .....    | ..... | .....    | 19     | 4.5      | 3.5   | 4.5                     | 17.5   | 13.5    | 7.5   | .....     | 4.02  |              |
| Canajoharie, .....            | 68.91             | 71.05    | 88              | 45             | 43                    | 5      | 2.5      | 5     | 3.5      | 1      | 3        | 11.5  | 4.5                     | 19.5   | 11.5    | 2.5   | .....     | 8.91  |              |
| Canandaigua, .....            | 68.87             | 72.05    | 90              | 50             | 40                    | 4.5    | 5        | 3.5   | 5        | 10.5   | 1.5      | 12.5  | 1.5                     | 15     | 15      | 15    | .....     | 5.18  |              |
| Cayuga, .....                 | 71.10             | 72.05    | 89              | 50             | 39                    | 4.5    | 5        | 3.5   | 5        | 14     | 2        | 3.5   | 6                       | 19     | 13      | 7.5   | .....     | 4.02  |              |
| Cherry-Valley, .....          | 67.37             | 69.16    | 86              | 42             | 44                    | .....  | .....    | ..... | 4.5      | 1      | 16       | 1.5   | 1.5                     | 22.5   | 18.5    | 7.5   | .....     | 3.14  |              |
| Clinton, .....                | 67.53             | 68.32    | 86              | 56             | 30                    | 1      | 1        | 5     | .....    | 8      | 11.5     | 1     | 3.5                     | 22.5   | 8.5     | 4     | .....     | 4.77  |              |
| Cortland, .....               | 68.41             | 68.15    | 91              | 50             | 41                    | 2.5    | 5        | ..... | 3        | 8.5    | 6        | 6.5   | 7                       | 16.5   | 14.5    | 6.5   | .....     | 3.81  |              |
| Dutchess County, .....        | 73.03             | 75.29    | 90              | 61             | 29                    | 2.5    | 5        | 2     | 2        | 2.5    | 17.5     | 3     | 4                       | 21.5   | 9.5     | 7     | .....     | 3.18  |              |
| Erasmus Hall, .....           | 70.88             | 75.32    | 90              | 53             | 37                    | 2      | .....    | 3     | .....    | 1.5    | 5        | 10.5  | 16.5                    | 23     | 9       | 6.5   | .....     | 6.35  |              |
| Fairfield, .....              | 66.90             | 67.33    | 88              | 44             | 44                    | .....  | 5        | 2.5   | .....    | 1.5    | 3.5      | 11    | 11.5                    | 19.5   | 12.5    | 9     | .....     | 3.80  |              |
| Franklin, .....               | 66.68             | 68.82    | 88              | 44             | 44                    | .....  | 5        | 2.5   | .....    | 2      | 7        | 8     | .....                   | 16.5   | 14.5    | 10.5  | .....     | 2.74  |              |
| Fredonia, .....               | 70.30             | 73.35    | 86              | 56             | 30                    | .....  | .....    | ..... | .....    | 13.5   | 12.5     | 1.5   | 4.5                     | 19     | 12      | 4.5   | .....     | 4.04  |              |
| Gouverneur High School, ..... | 67.22             | 67.17    | 90              | 50             | 40                    | 2.5    | .....    | ..... | .....    | 18.5   | 5.5      | 1     | 3                       | 13     | 13      | 8.5   | .....     | 3.78  |              |
| Hamilton, .....               | 71.51             | 71.51    | 89              | 38             | 51                    | .....  | .....    | ..... | .....    | 21.5   | 1        | 3     | 5                       | 1      | 21      | 10    | 6         | ..... | 1.83         |
| Hartwick, .....               | 66.15             | 68.56    | 87              | 44             | 42                    | 6.5    | .....    | 2     | .....    | 1      | .....    | ..... | .....                   | 10.5   | 20.5    | 11    | .....     | 5.11  |              |
| Hudson, .....                 | 73.80             | 77.04    | 90              | 48             | 42                    | 6.5    | 1        | ..... | 2        | 17.5   | 1        | ..... | 1                       | 14.5   | 16.5    | 7.5   | .....     | 4.59  |              |
| Ithaca, .....                 | 70.55             | 73.41    | 83              | 65             | 23                    | 6.5    | 2        | 1     | 3.5      | 1.5    | 3.5      | 18    | 4.5                     | 17     | 14      | 9     | .....     | 4.13  |              |
| Johnstown, .....              | 68.77             | 69.31    | 87              | 47             | 40                    | .....  | .....    | 3     | .....    | 15     | 2        | 1.5   | .....                   | 24     | 7       | 2.5   | .....     | 3.93  |              |
| Kinderhook, .....             | 69.05             | 70.84    | 90              | 44             | 46                    | .....  | 5.5      | ..... | .....    | 15     | 2        | 3     | 2.5                     | 21     | 10      | 11    | .....     | 5.94  |              |
| Kingston, .....               | 73.03             | 74.74    | 90              | 50             | 40                    | .....  | 1.5      | ..... | 2.5      | 13.5   | 7.5      | 3     | 5                       | 18     | 13      | 5     | .....     | 5.94  |              |
| Lansingburgh, .....           | 72.08             | 72.03    | 90              | 47             | 43                    | 4.5    | .....    | ..... | .....    | 16.5   | 2.5      | 4.5   | 3                       | 16     | 15      | 12    | .....     | 5.94  |              |
| Lewiston, .....               | 75.67             | 75.67    | 87              | 58             | 29                    | .....  | .....    | ..... | 3.5      | 1.5    | 19.5     | 6     | .....                   | 19     | 12      | 5     | .....     | 4.39  |              |
| Lowville, .....               | 66.63             | 68.34    | 91              | 41             | 50                    | 3      | .....    | ..... | 5.5      | 5.5    | 4.5      | 10.5  | .....                   | 16     | 15      | 8     | .....     | 5.66  |              |
| Middlebury, .....             | 71.46             | 71.46    | 92              | 42             | 42                    | .....  | 2.5      | ..... | .....    | 24.5   | 6        | 7.5   | 5                       | 20     | 11      | 6.5   | .....     | 4.89  |              |
| Montgomery, .....             | 68.24             | 75.70    | 90              | 50             | 40                    | 1      | 5        | 2.5   | 2        | 10.5   | 6        | 7.5   | 5                       | 19     | 12      | 5     | .....     | 5.66  |              |
| Mount Pleasant, .....         | 66.16             | 75.70    | 89              | 48             | 41                    | 3.5    | .....    | ..... | 1.5      | 17     | 4        | 3     | 2                       | 20     | 11      | 6.5   | .....     | 4.89  |              |
| North-Salem, .....            | 75.80             | 75.80    | 89              | 46             | 43                    | 2.5    | 1.5      | 2     | 5.5      | 2.5    | 9.5      | 2.5   | .....                   | 19.5   | 11.5    | ..... | .....     | 4.89  |              |

## JULY, 1881, (Continued.)

| ACADEMIES.                         | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain Page. |       |              |
|------------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|------------|-------|--------------|
|                                    | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |            | Snow. | Rain & Snow. |
|                                    |                   |          |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
|                                    | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |            |       |              |
| Oxford, .....                      | 67.53             | 69.64    | 90              | 47             | 43                    | 1      | .5       | ...   | 1.5      | 4.5    | 3.5      | 15    | 5                       | 16     | 15      | 10    | ...        | ...   | 4.26         |
| Pompey, .....                      | 65.49             | 67.56    | 84              | 47             | 37                    | 1      | ...      | ...   | 3.5      | 1.5    | 17.5     | 6.5   | 1                       | 19     | 12      | 8.5   | ...        | ...   | 5.51         |
| Redhook, .....                     | 70.98             | 74.05    | 98              | 54             | 34                    | 3.5    | 1        | 3     | 5        | 17.5   | 3.5      | 1     | 1                       | 22.5   | 8.5     | 7.5   | ...        | ...   | 3.92         |
| Schenectady, .....                 | 72.24             | 73.55    | 92              | 43             | 44                    | 1      | 1.5      | .5    | 3        | 7      | 4.5      | 5.5   | 8                       | 20.5   | 10.5    | 7.5   | ...        | ...   | 4.37         |
| St. Lawrence, .....                | 63.11             | 67.04    | 90              | 42             | 43                    | 1.5    | .5       | ...   | 1        | 6.5    | 2.5      | 3.5   | 2.5                     | 20.5   | 10.5    | 8.5   | ...        | ...   | 3.94         |
| Sem. of Gen. and Onsl. Conference, | 66.71             | 66.85    | 85              | 41             | 44                    | 1      | .5       | .5    | 1.5      | 8      | 2.5      | 9     | 8.5                     | 16.5   | 12.5    | 3     | ...        | ...   | 4.54         |
| Union, .....                       | 69.64             | 68.92    | 87              | 51             | 35                    | ...    | .5       | .5    | 1        | ...    | ...      | ...   | 9.5                     | 22.5   | 8.5     | 2.5   | ...        | ...   | 6.45         |
| Union-Hall, .....                  | 70.86             | 74.22    | 91              | 56             | 35                    | ...    | 3.5      | .5    | 1        | ...    | 17       | ...   | ...                     | 21.5   | 6.5     | 5     | ...        | ...   | 4.13         |
| Utica, .....                       | 66.95             | 67.14    | 86              | 45             | 41                    | ...    | ...      | 2.5   | 4.5      | 3      | 3.5      | 17.5  | ...                     | 24     | 7       | 7     | ...        | ...   | 6.09         |
| Washington, .....                  | 71.49             | 71.39    | 86              | 52             | 34                    | 7      | 1.5      | ...   | 1.5      | 10.5   | 8        | 2.5   | 1                       | 17     | 14      | 10.5  | ...        | ...   | ...          |

## AUGUST, 1881.

| ACADEMIES.                    | THERMOMETER.      |          |                | WINDS, (NO. OF DAYS.) |        |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       | Rain Gauge. |
|-------------------------------|-------------------|----------|----------------|-----------------------|--------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|-------------|
|                               | Mean temperature. |          | Lowest degree. | Range.                | North. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. | Rain&Snow.  |
|                               | 1st half.         | 2d half. |                |                       |        |          |        |          |       |          |                         |         |       |       |             |
| Albany, .....                 | 71.67             | 72.72    | 91             | 41                    | 3.5    | 2        | ...    | 4        | 6     | 2.5      | 2                       | 11      | 4.5   | 2     | 3.25        |
| Buffalo, .....                | 72.45             | 71.45    | 89             | 35                    | 1.5    | 1.5      | ...    | ...      | ...   | ...      | 20                      | 11      | 13.5  | 4.5   | ...         |
| Cambridge, Washington, .....  | 72.04             | 68.86    | 96             | 41                    | 10     | ...      | ...    | ...      | ...   | ...      | 17.5                    | 12.5    | 9     | ...   | 4.72        |
| Canandaigua, .....            | 69.41             | 68.80    | 90             | 44                    | 2      | ...      | ...    | ...      | ...   | ...      | 18.5                    | 12.5    | 9     | ...   | 3.78        |
| Cayuga, .....                 | 69.28             | 70.18    | 93             | 41                    | 1.5    | ...      | ...    | ...      | ...   | ...      | 21.5                    | 9.5     | 6     | ...   | 4.53        |
| Cherry-Valley, .....          | 66.85             | 69.47    | 90             | 44                    | ...    | ...      | ...    | ...      | ...   | ...      | 17.5                    | 13.5    | 4     | ...   | 3.96        |
| Clinton, .....                | 72.31             | 71.50    | 91             | 39                    | 3.5    | 5.5      | ...    | 3.5      | 6.5   | 6        | 9                       | 28.5    | 1.5   | ...   | 1.67        |
| Cortland, .....               | 65.38             | 68.11    | 92             | 43                    | 1      | ...      | ...    | ...      | ...   | ...      | 19                      | 12      | 2.5   | ...   | 3.14        |
| Dutchess County, .....        | 72.63             | 74.49    | 92             | 44                    | ...    | ...      | ...    | ...      | ...   | ...      | 21.5                    | 9.5     | 5     | ...   | 3.67        |
| Erasmus Hall, .....           | 74.68             | 74.42    | 89             | 50                    | 5      | 1        | ...    | ...      | ...   | ...      | 14                      | 15.5    | 4     | ...   | 2.55        |
| Fairfield, .....              | 65.04             | 67.94    | 88             | 47                    | ...    | ...      | ...    | ...      | ...   | ...      | 12                      | 19.5    | 11.5  | ...   | 4.02        |
| Franklin, .....               | 64.63             | 66.87    | 88             | 37                    | 7      | ...      | ...    | ...      | ...   | ...      | 13                      | 19.5    | 7     | ...   | 3.57        |
| Fredonia, .....               | 71.23             | 70.09    | 94             | 55                    | ...    | ...      | ...    | ...      | ...   | ...      | 21                      | 10      | 7     | ...   | 2.87        |
| Gouverneur High School, ..... | 67.26             | 68.70    | 92             | 42                    | 5      | 3        | ...    | ...      | ...   | ...      | 25                      | 6       | 3     | ...   | 3.89        |
| Hamilton, .....               | 63.55             | 74.43    | 96             | 39                    | 2.5    | ...      | ...    | ...      | ...   | ...      | 17.5                    | 13.5    | 7     | ...   | 4.98        |
| Hartwick, .....               | 64.88             | 67.88    | 86             | 46                    | 4      | ...      | ...    | ...      | ...   | ...      | 19.5                    | 11.5    | 5     | ...   | 5.61        |
| Hudson, .....                 | 72.91             | 73.49    | 92             | 52                    | 11.5   | 5        | ...    | ...      | ...   | ...      | 21.5                    | 9.5     | 6.5   | ...   | 2.93        |
| Ithaca, .....                 | 72.44             | 73.81    | 95             | 68                    | 27     | 3.5      | ...    | ...      | ...   | ...      | 12.5                    | 18.5    | 7     | ...   | 2.59        |
| Johnstown, .....              | 68.42             | 70.06    | 92             | 44                    | ...    | ...      | ...    | ...      | ...   | ...      | 20                      | 11      | 7.5   | ...   | 6.04        |
| Kinderhook, .....             | 68.65             | 70.59    | 91             | 43                    | 8.5    | ...      | ...    | ...      | ...   | ...      | 8.5                     | 24      | 7     | ...   | 1.23        |
| Kingston, .....               | 73.74             | 77.36    | 92             | 60                    | 32     | 1        | ...    | ...      | ...   | ...      | 19                      | 12      | 7     | ...   | 3.41        |
| Lansingburgh, .....           | 70.54             | 72.53    | 92             | 44                    | 12.5   | 1        | ...    | ...      | ...   | ...      | 18.5                    | 12.5    | 2     | ...   | ...         |
| Lewiston, .....               | 72.80             | 72.01    | 90             | 58                    | ...    | ...      | ...    | ...      | ...   | ...      | 21.5                    | 9.5     | 4.5   | ...   | 4.06        |
| Lowville, .....               | 65.92             | 71.74    | 95             | 42                    | 7.5    | ...      | ...    | ...      | ...   | ...      | 19.5                    | 11      | 4.5   | ...   | 2.85        |
| Middlebury, .....             | 67.65             | 68.59    | 94             | 39                    | ...    | ...      | ...    | ...      | ...   | ...      | 20                      | 11      | 4.5   | ...   | 6.74        |
| Montgomery, .....             | 72.25             | 73.45    | 98             | 42                    | ...    | ...      | ...    | ...      | ...   | ...      | 21.5                    | 9.5     | 5     | ...   | 4.99        |
| Mont-Pleasant, .....          | 72.30             | 70.51    | 92             | 53                    | ...    | ...      | ...    | ...      | ...   | ...      | 22                      | 9       | 5     | ...   | 3.22        |
| North-Salem, .....            | 71.48             | 72.82    | 91             | 45                    | ...    | ...      | ...    | ...      | ...   | ...      | 18.5                    | 12.5    | 8.5   | ...   | 4.13        |
| Oxford, .....                 | 67.13             | 74.46    | 91             | 44                    | 5      | 2        | ...    | ...      | ...   | ...      | 18.5                    | 12.5    | 8.5   | ...   | ...         |

## AUGUST, 1881, (Continued.)

| ACADEMIES.                          | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |       |       |       |        |       |       | WEATHER, (NO. OF DAYS.) |        |         |       |       | Rain gauge. |              |
|-------------------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|-------|-------|-------|--------|-------|-------|-------------------------|--------|---------|-------|-------|-------------|--------------|
|                                     | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. |       | East. |       | South. |       | West. |                         | Clear. | Cloudy. | Rain. | Snow. |             | Rain & Snow. |
|                                     | 1st half.         | 2d half. |                 |                |                       | 2      | 14    | 3.5   | 3.5   | 2.5    | 9.5   | 7.5   | 6                       |        |         |       |       |             |              |
|                                     |                   |          |                 |                |                       |        |       |       |       |        |       |       |                         |        |         |       |       |             |              |
| Pompey, .....                       | 65.83             | 66.38    | 86              | 47             | 39                    | 2      | 14    | 3.5   | 3.5   | 3.5    | 2.5   | 9.5   | 7.5                     | 6      | 20      | 11    | 4.5   | .....       | 4.91         |
| Redhook, .....                      | 71.69             | 72.76    | 90              | 54             | 36                    | 3      | 36    | 6.5   | 3.5   | 3.5    | 3.5   | ..... | 1                       | 5      | 22.5    | 8.5   | ..... | .....       | 6.27         |
| Schenectady, .....                  | 73.46             | 72.83    | 91              | 48             | 43                    | 3      | 43    | 6.5   | 1.5   | 2      | 3     | 2.5   | 4.5                     | 8      | 21.5    | 9.5   | 7     | .....       | 6.27         |
| St. Lawrence, .....                 | 67.08             | 61.77    | 90              | 44             | 46                    | 3.5    | 3.5   | 3     | 1     | .....  | ..... | 14.5  | 1.5                     | 7.5    | 19      | 12    | 4     | .....       | 3.93         |
| Sem. of Gen. and Onei. Conferences, | 64.08             | 65.90    | 89              | 38             | 51                    | 3.5    | 3.5   | 1     | 2     | .....  | ..... | 4.5   | 4                       | 2      | 19.5    | 11.5  | 1.5   | .....       | 3.08         |
| Union, .....                        | 65.59             | 68.78    | 88              | 46             | 42                    | 4      | 3     | 2.5   | .5    | 4.5    | 4.5   | 6     | 10.5                    | .....  | 22      | 9     | 2     | .....       | 3.73         |
| Union-Hall, .....                   | 73.88             | 73.43    | 92              | 52             | 40                    | .....  | 12    | 2.5   | .5    | .....  | ..... | 12.5  | .....                   | 6      | 18.5    | 12.5  | 3     | .....       | 2.53         |
| Utica, .....                        | 64.55             | 67.00    | 80              | 44             | 36                    | .....  | ..... | 4.5   | ..... | .....  | 1.5   | 7     | 15.5                    | .....  | 26      | 5     | ..... | .....       | 1.25         |
| Washington, .....                   | 71.33             | 75.33    | 88              | 56             | 32                    | 6.5    | 1     | ..... | 1     | .....  | 9     | 6     | .....                   | 2      | 11.5    | 19.5  | 3.5   | .....       | 4.88         |

# SEPTEMBER, 1881.

## ACADEMIES.

| ACADEMIES.                    | THERMOMETER.      |          |        | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       | Rain-fall. |              |
|-------------------------------|-------------------|----------|--------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|------------|--------------|
|                               | Mean temperature. |          | Range. | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. |            | Rain & Snow. |
|                               | 1st half.         | 2d half. |        |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |            |              |
| Albany, .....                 | 66.35             | 60.93    | 43     | 86                    | 43             | 5      | 1        | 10.5  | 4        | 4      | 3        | 4.5   | 6.5      | 12                      | 18      | 9     | ..... | .....      | 3.85         |
| Buffalo, .....                | 65.39             | 56.47    | 38     | 81                    | 38             | 2      | 2.5      | 5     | 5        | 12     | 11       | 8.5   | 4        | 10                      | 20      | 4     | ..... | .....      | 4.22         |
| Cambridge, Washington, .....  | 64.74             | 58.34    | 40     | 88                    | 48             | 5      | 1        | 5     | 1.5      | 4      | 7.5      | 7     | 2.5      | 13                      | 17      | 7     | ..... | .....      | 3.01         |
| Canandaigua, .....            | 61.71             | 56.44    | 38     | 79                    | 38             | 41     | 1.5      | 1     | 5        | 1.5    | 4        | 7     | 7.5      | 8.5                     | 21.5    | 10    | ..... | .....      | 2.94         |
| Cayuga, .....                 | 65.28             | 60.93    | 48     | 79                    | 48             | 31     | 1.5      | 1     | 5        | 1.5    | 4        | 7     | 7.5      | 16.5                    | 13.5    | 6     | ..... | .....      | 3.97         |
| Cherry-Valley, .....          | 63.08             | 55.86    | 36     | 80                    | 36             | 44     | .....    | ..... | 5        | 15.5   | .....    | ..... | 1.5      | 13                      | 17      | 7     | ..... | .....      | 5.40         |
| Clinton, .....                | 68.07             | 60.40    | 82     | 82                    | 42             | 40     | 2.5      | 2.5   | 2        | 4.5    | 5.5      | 8     | 3        | 21.5                    | 8.5     | 4     | ..... | .....      | 4.48         |
| Dutchess County, .....        | 68.61             | 61.06    | 38     | 88                    | 50             | 8      | 1        | 3     | 1        | 15     | 2        | 10.5  | 1.5      | 17                      | 13      | 6.5   | ..... | .....      | 3.14         |
| Erasmus Hall, .....           | 70.13             | 61.68    | 87     | 87                    | 47             | 40     | 1.5      | 6     | 3        | 12     | 10.5     | 2     | 6        | 17                      | 13      | 5     | ..... | .....      | 3.10         |
| Fairfield, .....              | 62.03             | 56.30    | 32     | 82                    | 46             | .....  | .....    | ..... | .....    | .....  | .....    | 8.5   | 13.5     | 11.5                    | 18.5    | 6     | ..... | .....      | 2.60         |
| Franklin, .....               | 61.44             | 55.99    | 78     | 82                    | 46             | .....  | .....    | ..... | .....    | .....  | .....    | 7     | 4        | 13                      | 9.5     | 20.5  | ..... | .....      | 3.68         |
| Fredonia, .....               | 66.83             | 58.11    | 38     | 83                    | 44             | 38     | 5        | 1     | .....    | .....  | .....    | 9     | 6.5      | 12                      | 18      | 10    | ..... | .....      | 4.61         |
| Gouverneur High School, ..... | 60.45             | 54.76    | 37     | 78                    | 41             | .....  | .....    | ..... | .....    | .....  | .....    | 9     | 6.5      | 12                      | 18      | 8     | ..... | .....      | 3.78         |
| Hamilton, .....               | 60.33             | 53.33    | 32     | 80                    | 48             | .....  | .....    | ..... | .....    | .....  | .....    | 2     | 9.5      | 13                      | 17      | 2.5   | ..... | .....      | 4.80         |
| Hartwick, .....               | 60.97             | 53.53    | 32     | 80                    | 48             | .....  | .....    | ..... | .....    | .....  | .....    | 2     | 9.5      | 13                      | 17      | 2.5   | ..... | .....      | 2.85         |
| Hudson, .....                 | 68.60             | 60.45    | 48     | 86                    | 48             | 38     | 13.5     | 2     | 2        | 15.5   | 3        | 7     | 4.5      | 11.5                    | 18.5    | 6     | ..... | .....      | 3.78         |
| Ithaca, .....                 | 68.59             | 64.68    | 79     | 89                    | 68             | 21     | 12       | 3.5   | 1.5      | 8      | 4.5      | 3     | 2        | 13                      | 17      | 4     | ..... | .....      | 1.55         |
| Johnstown, .....              | 63.69             | 56.90    | 30     | 80                    | 37             | 43     | 5        | ..... | .....    | .....  | .....    | 1.5   | 22       | 11                      | 19      | 6     | ..... | .....      | 2.70         |
| Kindershook, .....            | 65.22             | 56.86    | 37     | 86                    | 49             | .....  | .....    | ..... | .....    | .....  | .....    | 1.5   | 1        | 11                      | 15      | 8.5   | ..... | .....      | 3.84         |
| Kingston, .....               | 70.34             | 65.08    | 83     | 83                    | 53             | 30     | 1        | 1     | 1        | 14.5   | 1.5      | 3     | 2.5      | 13                      | 17      | 13    | ..... | .....      | 2.80         |
| Lansingburgh, .....           | 66.34             | 57.94    | 40     | 86                    | 46             | .....  | .....    | ..... | .....    | .....  | .....    | 1     | 1        | 13                      | 17      | 13    | ..... | .....      | 3.92         |
| Lewiston, .....               | 67.36             | 59.66    | 26     | 78                    | 52             | 26     | .....    | ..... | .....    | .....  | .....    | 1     | 1        | 13                      | 17      | 8     | ..... | .....      | 2.74         |
| Lowville, .....               | 61.42             | 54.12    | 34     | 84                    | 45             | .....  | .....    | ..... | .....    | .....  | .....    | 2     | 1        | 12.5                    | 17.5    | 8     | ..... | .....      | 3.25         |
| Middlebury, .....             | 63.48             | 55.76    | 33     | 84                    | 33             | 51     | 5        | 1.5   | .....    | .....  | .....    | 15    | 2.5      | 10.5                    | 19.5    | 2.5   | ..... | .....      | 1.88         |
| Montgomery, .....             | 68.31             | 60.36    | 38     | 88                    | 50             | .....  | .....    | ..... | .....    | .....  | .....    | 4     | 4.5      | 15                      | 15      | 5.5   | ..... | .....      | 4.19         |
| Mont-Pleasant, .....          | 67.96             | 54.84    | 40     | 84                    | 40             | .....  | .....    | ..... | .....    | .....  | .....    | 4.5   | 9.5      | 17                      | 13      | 6.5   | ..... | .....      | 4.88         |
| Newburgh, .....               | 70.00             | 62.50    | 47     | 85                    | 47             | 38     | 2        | 4.5   | 5        | 6      | 14.5     | 4.5   | 1        | 14.5                    | 15.5    | ..... | ..... | .....      | 4.81         |
| North-Salem, .....            | 67.46             | 58.60    | 35     | 88                    | 53             | .....  | .....    | ..... | .....    | .....  | .....    | 1.5   | 1.5      | 20.5                    | 9.5     | 4.5   | ..... | .....      | 4.50         |
| Oxford, .....                 | 62.59             | 54.13    | 31     | 85                    | 54             | .....  | .....    | ..... | .....    | .....  | .....    | 5     | 3.5      | 13.5                    | 16.5    | 6.5   | ..... | .....      | 3.75         |

## SEPTEMBER, 1831, (Continued.)

| ACADEMIES.                                | THERMOMETER.      |          |        | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          | WEATHER, (NO. OF DAYS.) |          |        |         |       | Rain-fall. |       |              |
|---|-------------------|----------|--------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------------------------|----------|--------|---------|-------|------------|-------|--------------|
|   | Mean temperature. |          | Range. | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West.                   | N. West. | Clear. | Cloudy. | Rain. |            | Snow. | Rain & Snow. |
|   | 1st half.         | 2d half. |        |                       |                |        |          |       |          |        |          |                         |          |        |         |       |            |       |              |
|   |                   |          |        |                       |                |        |          |       |          |        |          |                         |          |        |         |       |            |       |              |
| Pompey, .....                             | 59.28             | 51.91    | 41     | 76                    | 35             | 1.5    | ...      | ...   | 3        | 1.5    | 14.5     | 3                       | 6.5      | 10.5   | 19.5    | 4     | ...        | 3.17  |              |
| Redhook, .....                            | 67.29             | 60.45    | 35     | 83                    | 48             | 8.5    | 4        | 3     | 1        | 18     | ...      | ...                     | ...      | 20     | 10      | 5     | ...        | 4.47  |              |
| Schenectady, .....                        | 66.26             | 58.71    | 40     | 85                    | 40             | 5      | 2.5      | 1.5   | 3        | 3      | 8        | 5.5                     | 8        | 18     | 13      | 3.5   | ...        | 3.10  |              |
| St. Lawrence, .....                       | 62.64             | 53.53    | 39     | 77                    | 39             | 3.5    | ...      | ...   | ...      | 1.5    | 15       | 2.5                     | 7        | 12     | 18      | 5     | ...        | 4.65  |              |
| Sem. of Gen. and Onel. Conferences, ..... | 60.59             | 53.81    | 38     | 81                    | 34             | 2      | 1        | ...   | 5        | 6.5    | 8.5      | 8                       | 4        | 12.5   | 17.5    | 8     | ...        | 2.94  |              |
| Union, .....                              | 63.94             | 55.41    | 41     | 81                    | 41             | 1.5    | 4        | ...   | 1.5      | 5      | 6.5      | ...                     | ...      | 7      | 23      | 7     | ...        | 5.73  |              |
| Union-Hall, .....                         | 69.93             | 60.10    | 36     | 89                    | 36             | ...    | 8.5      | 1     | ...      | 1.5    | 6.5      | ...                     | 12.5     | 19     | 11      | 4     | ...        | 6.20  |              |
| Utica, .....                              | 61.02             | 54.12    | 40     | 79                    | 40             | ...    | ...      | 4     | 2.5      | 1.5    | 3.5      | 17.5                    | 1        | 28     | 7       | 7     | ...        | 1.49  |              |



## OCTOBER, 1881.

| ACADEMIES.                  | THERMOMETER.      |          |                 |                | WINDS, (NO. OF DAYS.) |        |          |       |          |        |          |       | WEATHER, (NO. OF DAYS.) |        |         |       | Rain gauge. |       |            |
|-----------------------------|-------------------|----------|-----------------|----------------|-----------------------|--------|----------|-------|----------|--------|----------|-------|-------------------------|--------|---------|-------|-------------|-------|------------|
|                             | Mean temperature. |          | Highest degree. | Lowest degree. | Range.                | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West.                | Clear. | Cloudy. | Rain. |             | Snow. | Rain&Snow. |
|                             | 2d half.          |          |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |             |       |            |
|                             | 1st half.         | 2d half. |                 |                |                       |        |          |       |          |        |          |       |                         |        |         |       |             |       |            |
| Albany.....                 | 52.79             | 52.43    | 76              | 29             | 47                    | 1.5    | 1        | ..... | 4.5      | 12     | 5        | 5     | 9.5                     | 20     | 11      | 11    | .....       | 4.82  |            |
| Buffalo.....                | 53.10             | 43.56    | 70              | 26             | 44                    | 1.5    | 5        | ..... | 1        | 5      | 8.5      | 3     | 3.5                     | 17     | 14      | 5.5   | .....       | 4.42  |            |
| Cambridge, Washington,..... | 50.05             | 48.63    | 74              | 30             | 44                    | 11     | .....    | ..... | .....    | 11.5   | 4.5      | 1     | 2                       | 19     | 12      | 6.5   | .....       | 2.65  |            |
| Canajoharie.....            | 53.22             | 54.41    | 77              | 25             | 52                    | .....  | 1.5      | 5.5   | 6        | .....  | 2.5      | 10.5  | 4.5                     | 14.5   | 10.5    | 4.5   | .....       | 3.90  |            |
| Canandaigua.....            | 51.89             | 46.06    | 79              | 28             | 51                    | .....  | .....    | ..... | .....    | 8      | 7.5      | 9     | 5.5                     | 20.5   | 16.5    | 12    | .....       | 3.22  |            |
| Cayuga.....                 | 54.13             | 55.22    | 78              | 29             | 49                    | 2      | .....    | ..... | .....    | 18.5   | .....    | 6     | 4.5                     | 19.5   | 12.5    | 5     | .....       | 5.40  |            |
| Cherry-Valley.....          | 49.36             | 50.54    | 76              | 22             | 53                    | 1.5    | 1        | 2     | .....    | 5      | 8.5      | 9     | 5.5                     | 19.5   | 11.5    | 7     | .....       | 4.85  |            |
| Clinton.....                | 57.93             | 53.85    | 76              | 37             | 39                    | 1      | 6.5      | 3     | 5        | 2.5    | 2.5      | 5.5   | 5                       | 22.5   | 8.5     | 3     | .....       | 6.08  |            |
| Dutchess County.....        | 54.70             | 54.86    | 80              | 31             | 49                    | 8.5    | .....    | ..... | .....    | 13.5   | 2        | 1.5   | 8                       | 21.5   | 10.5    | 5     | .....       | 4.47  |            |
| Esopus Hall.....            | 57.41             | 54.95    | 78              | 37             | 41                    | 2      | 3        | 5     | 3        | 8.5    | 7        | 1.5   | 11                      | 23.5   | 7.5     | 6     | .....       | 1.24  |            |
| Fairfield.....              | 56.63             | 54.49    | 74              | 34             | 40                    | .....  | .....    | ..... | .....    | .....  | .....    | 19.5  | 5.5                     | 17.5   | 13.5    | 3     | .....       | 3.75  |            |
| Franklin.....               | 48.54             | 49.22    | 75              | 24             | 51                    | 2      | 2.5      | ..... | 1        | 3      | 10.5     | 9     | 5.5                     | 16.5   | 14.5    | 8.5   | .....       | 3.88  |            |
| Fredonia.....               | 51.94             | 53.11    | 77              | 29             | 48                    | 2      | 3.5      | 1     | 2.5      | 6      | 9        | 5.5   | 1.6                     | 15.5   | 14.5    | 8     | .....       | 3.43  |            |
| Gouverneur High School..... | 47.45             | 46.27    | 74              | 21             | 53                    | .....  | 2        | 1     | .....    | .....  | 7        | 5.5   | 2.5                     | 17.5   | 13.5    | 3     | 1           | ..... | 3.71       |
| Hamilton.....               | 49.89             | 49.08    | 75              | 18             | 57                    | 2.5    | .....    | ..... | .....    | 7      | 5.5      | 9.5   | 5                       | 17.5   | 13.5    | 4.5   | .....       | 3.90  |            |
| Hartwick.....               | 45.03             | 48.95    | 73              | 25             | 46                    | 1      | .....    | ..... | .....    | 13.5   | .....    | ..... | 3.5                     | 16.5   | 14.5    | 4.5   | .....       | 6.09  |            |
| Hudson.....                 | 56.62             | 56.80    | 78              | 32             | 48                    | 11.5   | 2        | 1     | 2        | 12     | .....    | ..... | .....                   | 18.5   | 12.5    | 6     | .....       | 3.79  |            |
| Ithaca.....                 | 61.22             | 62.32    | 72              | 28             | 44                    | 2.5    | .....    | ..... | .....    | 6      | 2        | 4     | 10                      | 19.5   | 11.5    | 5     | .....       | 3.83  |            |
| Johans town.....            | 50.43             | 49.80    | 76              | 23             | 53                    | .....  | 1.5      | 6.5   | .....    | .....  | .....    | 21    | 2                       | 15.5   | 15.5    | 7     | .....       | 3.74  |            |
| Kindhook.....               | 51.57             | 50.85    | 76              | 25             | 51                    | .....  | 1.5      | ..... | .....    | 1.5    | 12       | ..... | 1                       | 15.5   | 17.5    | 8     | 4.5         | ..... | 4.37       |
| Kingston.....               | 58.85             | 55.04    | 79              | 33             | 46                    | .....  | 4.5      | ..... | 1.5      | 6      | 2.5      | 1     | 1.5                     | 16.5   | 14.5    | 9     | .....       | 5.20  |            |
| Lansingburgh.....           | 52.28             | 51.61    | 79              | 27             | 52                    | 8      | 1        | ..... | 1.5      | 10.5   | 2        | 6.5   | 2                       | 19.5   | 11.5    | 6.5   | .....       | 4.65  |            |
| Lewiston.....               | 56.55             | 57.39    | 75              | 31             | 44                    | .....  | 1.5      | 4     | .....    | 3      | 13       | 4     | 2                       | 13.5   | 17.5    | 7     | .....       | 3.48  |            |
| Lowville.....               | 48.91             | 49.13    | 76              | 23             | 53                    | 5.5    | 1.5      | ..... | 1.5      | 7      | 2.5      | 6.5   | 6.5                     | 13.5   | 17.5    | 7     | .....       | 3.89  |            |
| Middlebury.....             | 51.31             | 53.32    | 78              | 26             | 52                    | 4      | 1        | ..... | .....    | .....  | 18       | 6     | 3                       | 16     | 14      | 3.5   | .....       | 7.26  |            |
| Montgomery.....             | 54.12             | 56.60    | 84              | 33             | 51                    | 1      | 3        | 4     | 2        | 3.5    | 6        | 8     | 3                       | 20     | 11      | 3     | .....       | 5.88  |            |
| Mount-Pleasant.....         | 55.91             | 53.15    | 78              | 30             | 48                    | 4.5    | 4.5      | ..... | .....    | .....  | 10       | 11.5  | 2.5                     | 19.5   | 11.5    | 5     | .....       | 5.54  |            |
| Newburgh.....               | 57.68             | 55.62    | 80              | 34             | 46                    | 1.5    | 6        | 1     | .....    | .....  | .....    | ..... | .....                   | .....  | .....   | ..... | .....       | 5.88  |            |
| North-Salem.....            | 54.98             | 51.13    | 80              | 30             | 50                    | .....  | 4.5      | 1     | 3.5      | 2      | 7.5      | 1     | 11.5                    | 21.5   | 9.5     | 5     | .....       | 6.51  |            |

## OCTOBER, 1831, (Continued.)

| ACADEMIES.                           | THERMOMETER.      |          |                 | WINDS, (NO. OF DAYS.) |        |        |          |       |          |        |          | WEATHER, (NO. OF DAYS.) |          |        |         | Rain gauge. |       |       |              |
|--------------------------------------|-------------------|----------|-----------------|-----------------------|--------|--------|----------|-------|----------|--------|----------|-------------------------|----------|--------|---------|-------------|-------|-------|--------------|
|                                      | Mean temperature. |          | Highest degree. | Lowest degree.        | Range. | North. | N. East. | East. | S. East. | South. | S. West. | West.                   | N. West. | Clear. | Cloudy. |             | Rain. | Snow. | Rain & Snow. |
|                                      |                   |          |                 |                       |        |        |          |       |          |        |          |                         |          |        |         |             |       |       |              |
|                                      | 1st half.         | 2d half. |                 |                       |        |        |          |       |          |        |          |                         |          |        |         |             |       |       |              |
| Oxford,.....                         | 51.66             | 47.78    | 76              | 23                    | 53     | 5.5    | .5       | .5    | 3        | 4      | 4.5      | 10                      | 3        | 15.5   | 15.5    | 9           | ..... | ..... | 3.52         |
| Pompey,.....                         | 47.28             | 47.41    | 70              | 27                    | 43     | 9.5    | .5       | .5    | 3        | 3      | 18.5     | 4                       | 3        | 18.5   | 12.5    | 9           | 1.5   | ..... | 2.52         |
| Redhook,.....                        | 53.09             | 54.00    | 78              | 32                    | 44     | 9.5    | 4        | .5    | 1.5      | 15     | 2.5      | 8.5                     | 5        | 22     | 9       | 4           | ..... | ..... | 6.52         |
| Schenectady,.....                    | 52.79             | 51.39    | 84              | 30                    | 54     | 1.5    | 3.5      | .5    | 3        | 7.5    | 2.5      | 8.5                     | 4        | 19.5   | 11.5    | 4.5         | ..... | ..... | 4.10         |
| St. Lawrence,.....                   | 47.45             | 45.56    | 74              | 30                    | 44     | 1      | 3        | ..... | .....    | 6      | 12.5     | 2.5                     | 6        | 15.5   | 15.5    | 5.5         | .5    | ..... | 3.08         |
| Sess. of Gen. and Onei. Conferences, | 49.01             | 56.09    | 75              | 27                    | 48     | 2.5    | .5       | 1.5   | 1        | 7      | 8.5      | 4                       | 6        | 17.5   | 13.5    | 3.5         | .5    | ..... | 3.06         |
| Union,.....                          | 50.83             | 53.88    | 77              | 25                    | 52     | 4.5    | 1.5      | ..... | 2.5      | 12     | 5        | 9                       | 1        | 14.5   | 16.5    | 5.5         | ..... | ..... | 5.91         |
| Union-Hall,.....                     | 56.29             | 53.82    | 80              | 34                    | 46     | 1      | 8        | 1     | 1.5      | 3      | 6        | 1.5                     | 14       | 25.5   | 5.5     | 4.5         | ..... | ..... | 4.70         |
| Utica,.....                          | 51.25             | 49.91    | 74              | 37                    | 47     | .....  | .....    | 4     | 8.5      | 1.5    | 2.5      | 14.5                    | .....    | 19     | 12      | 8.5         | ..... | ..... | 1.33         |
| Washington,.....                     | 51.27             | 52.43    | 73              | 32                    | 41     | 9      | 1        | ..... | .....    | 9      | 3        | 7                       | 2        | 24     | 7       | 6           | ..... | ..... | .....        |



## NOVEMBER, 1831.

| ACADEMIES.                   | THERMOMETER.      |          |       | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          | WEATHER, (NO. OF DAYS.) |          |        |         | Rain Gauge. |       |       |              |
|------------------------------|-------------------|----------|-------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------------------------|----------|--------|---------|-------------|-------|-------|--------------|
|                              | Mean temperature. |          | Range | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West.                   | N. West. | Clear. | Cloudy. |             | Rain. | Snow. | Rain & Snow. |
|                              | 1st half.         | 2d half. |       |                       |                |        |          |       |          |        |          |                         |          |        |         |             |       |       |              |
|                              |                   |          |       |                       |                |        |          |       |          |        |          |                         |          |        |         |             |       |       |              |
| Albany,.....                 | 42.84             | 36.12    | 35    | 56                    | 21             | .....  | .....    | ..... | 1.5      | 6.5    | 5.5      | 13.5                    | 3        | 15     | 15      | 5           | 1     | 2     | 1.71         |
| Buffalo,.....                | 41.35             | 32.85    | 12    | 62                    | 12             | 4      | 7.5      | ..... | .....    | .....  | .....    | .....                   | .....    | 12     | 18      | 5.5         | 4.5   | ..... | 3.95         |
| Cambridge, Washington,.....  | 42.15             | 34.56    | 10    | 54                    | 10             | 7.5    | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 10.5   | 19.5    | 1.5         | 2.5   | ..... | 3.94         |
| Canajoharie,.....            | 45.11             | 32.11    | 17    | 54                    | 17             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 12.5   | 17.5    | .....       | ..... | ..... | 3.91         |
| Canandaigua,.....            | 39.03             | 30.66    | 14    | 50                    | 14             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 8      | 22      | 7           | 5     | 1     | 1.41         |
| Cayuga,.....                 | 45.65             | 35.13    | 22    | 62                    | 22             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 12     | 18      | 2.5         | ..... | ..... | 3.72         |
| Cherry-Valley,.....          | 38.61             | 30.82    | 12    | 54                    | 12             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 2      | 6.5     | 23.5        | ..... | ..... | 3.02         |
| Clinton,.....                | 44.67             | 38.61    | 27    | 60                    | 27             | 1.5    | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 22.5   | 7.5     | .....       | ..... | ..... | 2.45         |
| Dutchess County,.....        | 44.00             | 37.46    | 37    | 63                    | 26             | 7.5    | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 19     | 11      | .....       | ..... | ..... | 1.90         |
| Erasmus Hall,.....           | 47.42             | 38.18    | 24    | 70                    | 24             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 20     | 10      | .....       | ..... | ..... | 4.93         |
| Fairfield,.....              | 42.19             | 29.86    | 20    | 68                    | 20             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 4      | 26      | 1.5         | ..... | ..... | 2.94         |
| Fredonia,.....               | 43.62             | 33.53    | 18    | 64                    | 18             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 9      | 21      | 4.5         | ..... | ..... | 2.11         |
| Gouverneur High School,..... | 38.25             | 30.87    | 13    | 57                    | 13             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 8      | 26      | .....       | ..... | ..... | 2.93         |
| Hamilton,.....               | 38.47             | 30.97    | 14    | 53                    | 14             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 6.5    | 23.5    | 2           | ..... | ..... | 2.25         |
| Hartwick,.....               | 39.12             | 32.23    | 15    | 54                    | 15             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 1      | 10.5    | 19.5        | ..... | ..... | 3.30         |
| Hudson,.....                 | 44.05             | 37.09    | 23    | 60                    | 23             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 7      | 23      | .....       | ..... | ..... | 2.51         |
| Ithaca,.....                 | 45.04             | 35.99    | 16    | 60                    | 16             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 8.5    | 21.5    | .....       | ..... | ..... | 2.80         |
| Johnstown,.....              | 39.95             | 33.10    | 20    | 51                    | 20             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 11     | 19      | .....       | ..... | ..... | 2.31         |
| Kinderhook,.....             | 40.64             | 33.85    | 31    | 52                    | 18             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 22.5   | 7.5     | .....       | ..... | ..... | 1.63         |
| Kingston,.....               | 46.58             | 36.54    | 22    | 73                    | 22             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 13.5   | 16.5    | .....       | ..... | ..... | 2.18         |
| Lansingburgh,.....           | 42.05             | 35       | 20    | 56                    | 20             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 5.5    | 24.5    | .....       | ..... | ..... | 1.18         |
| Lewiston,.....               | 47.06             | 35.45    | 18    | 69                    | 18             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 12     | 18      | .....       | ..... | ..... | 2.03         |
| Lowville,.....               | 37.49             | 30.95    | 3     | 50                    | 3              | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 6.5    | 23.5    | .....       | ..... | ..... | 2.37         |
| Middlebury,.....             | 39.99             | 31.36    | 16    | 72                    | 16             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 15     | 15      | .....       | ..... | ..... | 2.23         |
| Montgomery,.....             | 44.59             | 35.46    | 21    | 68                    | 21             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 20.5   | 9.5     | .....       | ..... | ..... | 3.02         |
| Mount-Pleasant,.....         | 44.54             | 37.31    | 24    | 63                    | 24             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 19.5   | 11.5    | .....       | ..... | ..... | .91          |
| Newburgh,.....               | 46.33             | 36.80    | 31    | 63                    | 31             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 20     | 10      | .....       | ..... | ..... |              |
| North-Salem,.....            | 42.89             | 35.64    | 21    | 60                    | 21             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 4.5    | 25.5    | .....       | ..... | ..... |              |
| Oxford,.....                 | 40.29             | 32.93    | 17    | 56                    | 17             | .....  | .....    | ..... | .....    | .....  | .....    | .....                   | .....    | 4.5    | 25.5    | .....       | ..... | ..... |              |

## NOVEMBER, 1831, (Continued.)

| ACADEMIES.                                    | THERMOMETER.      |       |                 |                |        | WINDS, (NO. OF DAYS.) |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       | Rain gauge. |              |
|---|-------------------|-------|-----------------|----------------|--------|-----------------------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|-------------|--------------|
|   | Mean temperature. |       | Highest degree. | Lowest degree. | Range. | North.                | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. |             | Rain & Snow. |
|   | 2d half.          |       |                 |                |        |                       |          |       |          |        |          |       |          |                         |         |       |       |             |              |
|   | 1st half.         |       |                 |                |        |                       |          |       |          |        |          |       |          |                         |         |       |       |             |              |
| Pemsey, . . . . .                             | 37.01             | 28.89 | 50              | 13             | 36     | 16.5                  | 1        | 1.5   | 1.5      | 7.5    | 29       | 4     | 2        | 7                       | 23      | 2     | 6     | .....       | .70          |
| Bedford, . . . . .                            | 43.44             | 33.73 | 53              | 20             | 33     | 2                     | 1.5      | 1.5   | 2.5      | 7.5    | 2        | 5     | 2        | 21                      | 9       | 1.5   | 1.5   | .....       | 1.90         |
| Academically, . . . . .                       | 41.51             | 30.06 | 52              | 15             | 37     | 2                     | 3        | 1.5   | 2.5      | 2      | 2.5      | 9.5   | 9        | 18.5                    | 11.5    | 2.5   | ..... | 1.30        |              |
| St. Lawrence, . . . . .                       | 39.16             | 30.73 | 46              | 16             | 30     | 2                     | 3        | 1.5   | 2.5      | 4      | 6.5      | 11.5  | 1.5      | 6.5                     | 23.5    | 2.5   | ..... | 1.20        |              |
| Sam. of Gen. and Onal. Conferences, . . . . . | 38.34             | 30.03 | 46              | 12             | 34     | 2                     | 1.5      | 1.5   | 1.5      | 6.5    | 8        | 5     | 13       | 5.5                     | 24.5    | 1     | 8.5   | 1           | 2.70         |
| Union, . . . . .                              | 49.08             | 31.93 | 53              | 16             | 37     | 4                     | 4        | 1.5   | 1.5      | 7      | 1        | 2     | 5.5      | 8.5                     | 23.5    | 4     | 8     | .....       | 3.00         |
| Union-Hall, . . . . .                         | 44.43             | 33.53 | 55              | 23             | 32     | 5                     | 5        | 1     | 6.5      | 5.5    | 2        | 5     | 21.5     | 23                      | 7       | 2     | 1     | .....       | 1.35         |
| Utica, . . . . .                              | 40.14             | 34.13 | 54              | 18             | 36     | 13                    | 5        | 6     | 1.5      | 7.5    | 1        | 5     | 3        | 12.5                    | 17.5    | 2.5   | 9     | 1           | 1.57         |
| Washington, . . . . .                         | 43.77             | 35.51 | 53              | 15             | 38     | 13                    | 5        | 6     | 1.5      | 7.5    | 1        | 5     | 3        | 15                      | 15      | 3     | ..... | .....       |              |

## DECEMBER, 1831.

| ACADEMIES.                    | THERMOMETER.      |          |        | WINDS, (NO. OF DAYS.) |                |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       | Rain Gauge. |              |
|-------------------------------|-------------------|----------|--------|-----------------------|----------------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|-------------|--------------|
|                               | Mean temperature. |          | Range. | Highest degree.       | Lowest degree. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. |             | Rain & Snow. |
|                               | 1st half.         | 2d half. |        |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |             |              |
|                               |                   |          |        |                       |                |        |          |       |          |        |          |       |          |                         |         |       |       |             |              |
| Albany, .....                 | 16.82             | 17.52    | 37     | 37                    | 0              | 3      | 2        | 6     | 9        | 7.5    | 2.5      | 9     | 17       | 14                      | ...     | 9     | 9.5   | 1.57        |              |
| Buffalo, .....                | 11.76             | 17.36    | 36     | 36                    | 2              | 2      | ...      | ...   | ...      | 4.5    | 4.5      | 2.5   | 6.5      | 24.5                    | ...     | ...   | ...   | ...         |              |
| Cambridge, Washington, .....  | 14.01             | 16.33    | 37     | 37                    | -14            | 9      | .5       | ...   | ...      | 9.5    | 5        | 8     | 4        | 15.5                    | 15.5    | ...   | 6     | 2.50        |              |
| Canajoharie, .....            | 15.02             | 16.94    | 36     | 36                    | -7             | 43     | ...      | ...   | ...      | 9.5    | 5        | 11.5  | 2        | 11.5                    | 19.5    | ...   | 5     | 2.12        |              |
| Canandaigua, .....            | 17.26             | 17.26    | 32     | 32                    | 4              | 28     | ...      | ...   | ...      | 5      | 4        | 16    | 6        | 10                      | 21      | ...   | 7     | 1.81        |              |
| Cayuga, .....                 | 45.65             | 35.13    | 62     | 62                    | 22             | 40     | ...      | ...   | ...      | 8      | 5        | 18    | 3.5      | 12                      | 19      | 2.5   | 3     | 1.41        |              |
| Cherry-Valley, .....          | 11.80             | 13.77    | 34     | 34                    | -12            | 46     | ...      | ...   | ...      | 5      | 2        | 10    | 14       | 11.5                    | 19.5    | ...   | 8     | 3.05        |              |
| Clinton, .....                | 23.78             | 23.85    | 40     | 40                    | 0              | 40     | 4.5      | 2     | 1.5      | 2      | 3        | 7     | 10.5     | 15.5                    | 15.5    | 1     | 4.5   | 1.27        |              |
| Cortland, .....               | 14.37             | 16.67    | 34     | 34                    | -15            | 49     | 2        | ...   | ...      | 3      | 6        | 14    | 4        | 15.5                    | 15.5    | ...   | 4     | 1.17        |              |
| Dutchess County, .....        | 19.56             | 18.77    | 34     | 34                    | -5             | 39     | 4        | 2     | ...      | 1      | 3        | 3.5   | 11.5     | 15.5                    | 15.5    | ...   | 4.5   | 1.93        |              |
| Erasmus Hall, .....           | 23.77             | 22.94    | 39     | 39                    | 5              | 34     | 1.5      | 3     | ...      | 1      | 1        | 6     | 7        | 15.5                    | 17      | 14    | 2     | 1.25        |              |
| Fairfield, .....              | 14.90             | 11.81    | 29     | 29                    | -11            | 40     | ...      | ...   | ...      | 2.5    | 1        | 3.5   | 6        | 21                      | 3.5     | 27.5  | ...   | ...         |              |
| Franklin, .....               | 11.69             | 15.80    | 33     | 33                    | -6             | 39     | 6.5      | 2     | ...      | 6      | 3.5      | 2     | 6.5      | 4.5                     | 8       | 23    | ...   | ...         |              |
| Fredonia, .....               | 15.97             | 19.14    | 31     | 31                    | 2              | 29     | 2.5      | 1     | ...      | 4      | 3        | 15    | 4        | 1.5                     | 7.5     | 23.5  | ...   | 2.55        |              |
| Gouverneur High School, ..... | 10.75             | 11.45    | 33     | 33                    | -27            | 60     | 2.5      | 3.5   | ...      | ...    | 8.5      | 11    | 7.5      | 6                       | 15      | ...   | 10.5  | 1.39        |              |
| Hamilton, .....               | 11.94             | 12.65    | 32     | 32                    | -15            | 47     | 2        | ...   | ...      | 6      | 7        | 8.5   | 9.5      | 3.5                     | 6       | 25    | ...   | 1.90        |              |
| Hartwick, .....               | 12.13             | 14.96    | 32     | 32                    | -7             | 39     | 2        | ...   | ...      | 5      | 6.5      | 5.5   | 7        | 10.5                    | 7.5     | 23.5  | ...   | 2.06        |              |
| Hudson, .....                 | 17.04             | 19.05    | 35     | 35                    | 0              | 35     | 14       | 7     | 4.5      | 1      | 3        | 5     | 2        | 19                      | 12      | 5     | 4     | 2.27        |              |
| Ithaca, .....                 | 18.95             | 18.72    | 39     | 39                    | -4             | 43     | ...      | ...   | ...      | 4      | 4.5      | 5     | 2        | 10                      | 8.5     | 22.5  | ...   | 3.44        |              |
| Johnstown, .....              | 14.13             | 16.05    | 32     | 32                    | -3             | 35     | 1        | 7.5   | ...      | ...    | 22.5     | 3     | 13       | 2                       | 29      | ...   | 10.5  | 1.10        |              |
| Kinderhook, .....             | 12.17             | 14.52    | 37     | 37                    | -8             | 45     | 5        | .5    | ...      | ...    | 5        | 3     | 13       | 13.5                    | 17.5    | ...   | 8     | ...         |              |
| Kingston, .....               | 17.57             | 19.97    | 37     | 37                    | -8             | 46     | 2.5      | 4.5   | ...      | ...    | 2.5      | 3     | 14       | 22                      | 9       | ...   | 5     | 4.35        |              |
| Lansingburgh, .....           | 14.24             | 15.97    | 35     | 35                    | -11            | 38     | ...      | ...   | ...      | 6      | 1.5      | 10.5  | 5        | 14.5                    | 16.5    | ...   | 3     | 1.16        |              |
| Lewiston, .....               | 16.37             | 18.83    | 31     | 31                    | 3              | 28     | 8.5      | ...   | ...      | 1      | 15       | 6.5   | 5        | 11.5                    | 19.5    | ...   | 7.5   | 3.29        |              |
| Lowville, .....               | 11.81             | 11.80    | 33     | 33                    | -22            | 55     | 5        | 3     | ...      | 7      | 2        | 5     | 4        | 7.5                     | 23.5    | ...   | 5     | 3.11        |              |
| Middlebury, .....             | 18.05             | 17.85    | 35     | 35                    | 2              | 33     | 12.5     | 5     | ...      | ...    | 12       | 7.5   | 5.5      | 6                       | 25      | ...   | 3.5   | ...         |              |
| Montgomery, .....             | 17.61             | 17.45    | 36     | 36                    | -9             | 46     | 1.5      | 2     | ...      | ...    | 8.5      | 4.5   | 7        | 10.5                    | 20.5    | ...   | 3.5   | 1.46        |              |
| Mount-Pleasant, .....         | 20.66             | 20.64    | 40     | 40                    | -1             | 39     | 6        | 2     | 1        | ...    | 2        | 3.5   | 1.5      | 15                      | 16      | ...   | ...   | ...         |              |
| Newburgh, .....               | 19.12             | 19.32    | 40     | 40                    | 1              | 39     | 2        | 6     | ...      | ...    | 5        | 12    | 1.5      | 12.5                    | 18.5    | ...   | ...   | 1.63        |              |

## DECEMBER, 1831, (Continued.)

| ACADEMIES.                               | THERMOMETER.      |          |                 | WINDS, (NO. OF DAYS.) |        |        |          |       |          |        |          |       |          | WEATHER, (NO. OF DAYS.) |         |       |       |              | Rain gauge. |
|--|-------------------|----------|-----------------|-----------------------|--------|--------|----------|-------|----------|--------|----------|-------|----------|-------------------------|---------|-------|-------|--------------|-------------|
|  | Mean temperature. |          | Highest degree. | Lowest degree.        | Range. | North. | N. East. | East. | S. East. | South. | S. West. | West. | N. West. | Clear.                  | Cloudy. | Rain. | Snow. | Rain & Snow. |             |
|  | 1st half.         | 2d half. |                 |                       |        |        |          |       |          |        |          |       |          |                         |         |       |       |              |             |
| North-Salem, .....                       | 15.82             | 18.10    | 88              | -15                   | 53     | .5     | 6        | ..... | 1.5      | 1      | 4        | 1     | 18       | 17.5                    | 13.5    | .5    | 4.5   | .....        | .69         |
| Oxford, .....                            | 13.27             | 17.27    | 89              | -16                   | 55     | 1      | 1        | ..... | 1        | 1      | 16       | 1     | 10       | 11.5                    | 19.5    | ..... | 6.5   | .....        | .84         |
| Pompey, .....                            | 12.69             | 13.10    | 81              | -5                    | 36     | 1      | 1        | ..... | 3.5      | 2      | 16       | 2     | 8        | 7                       | 24      | ..... | 10    | .....        | .....       |
| Redhook, .....                           | 15.18             | 16.13    | 88              | -7                    | 45     | 14.5   | 4        | 3     | .....    | 4.5    | .....    | ..... | 6        | 22                      | 9       | 1     | 3.5   | .....        | .....       |
| Schenectady, .....                       | 15.30             | 16.32    | 87              | -6                    | 43     | 1.5    | 1        | ..... | 2        | 1.5    | 5.5      | 12.5  | 6        | 21.5                    | 9.5     | ..... | ..... | .....        | .43         |
| St. Lawrence, .....                      | 13.71             | 10.77    | 81              | -15                   | 46     | 1.5    | 8        | ..... | .5       | 6.5    | 3.5      | 5     | 6.5      | 17.5                    | 13.5    | ..... | 7     | .....        | .....       |
| Sem. of Gen. and Onsl. Conference, ..... | 12.24             | 13.80    | 82              | -8                    | 40     | 1      | .....    | ..... | .....    | 7      | 7.5      | 6     | 9        | 9.5                     | 21.5    | ..... | 3.5   | .....        | 1.80        |
| Union, .....                             | 18.78             | 12.95    | 89              | -13                   | 52     | 2.5    | 2.5      | ..... | .5       | 8      | 6        | 2     | 20       | 21.5                    | 9.5     | ..... | 4.5   | .....        | 1.20        |
| Union-Hall, .....                        | 21.18             | 21.44    | 89              | 1                     | 88     | .....  | 5        | 2     | 2        | .....  | 2        | ..... | .....    | 21                      | 10      | 1     | 2     | .....        | 1.60        |
| Utica, .....                             | 14.48             | 16.22    | 83              | -7                    | 45     | 11     | .....    | 6.5   | 1        | .....  | 7.5      | 23    | 1.5      | 19.5                    | 11.5    | ..... | 11    | .....        | 3.83        |
| Washington, .....                        | 14.83             | 17.77    | 82              | -10                   | 22     | .....  | .....    | ..... | .....    | 6      | .....    | 4     | .....    | 23                      | 9       | ..... | 2.5   | .....        | .....       |



## RECAPITULATION AND RESULTS, NO. 1.

| ACADEMIES.               | MEAN TEMPERATURE OF EACH MONTH. |           |        |        |       |       |       |         |            |          |           |           | Annual Mean. | Highest degree during the year. | Lowest degree during the year. | Annual Range. | Greatest no. Range. | Coldest day in the year. | Warmest day in the year. | First frost in autumn. | First fall of snow. |
|--------------------------|---------------------------------|-----------|--------|--------|-------|-------|-------|---------|------------|----------|-----------|-----------|--------------|---------------------------------|--------------------------------|---------------|---------------------|--------------------------|--------------------------|------------------------|---------------------|
|                          |                                 |           |        |        |       |       |       |         |            |          |           |           |              |                                 |                                |               |                     |                          |                          |                        |                     |
|                          | January.                        | February. | March. | April. | May.  | June. | July. | August. | September. | October. | November. | December. |              |                                 |                                |               |                     |                          |                          |                        |                     |
| Albany, .....            | 21.02                           | 22.75     | 41.11  | 52.08  | 62.16 | 72.81 | 72.77 | 72.19   | 63.64      | 52.61    | 39.48     | 17.17     | -10.63       | 94                              | January                        | 12 June       | 1 October           | 28 Novem.                | 23 Novem.                |                        |                     |
| Buffalo, .....           | 22.24                           | 21.65     | 38.23  | 43.56  | 56.53 | 72.83 | 73.71 | 71.95   | 60.98      | 45.33    | 36.85     | 14.56     | -8.50        | 89                              | December                       | 22 June       | 17 Novem.           | 19 Novem.                | 23 Novem.                |                        |                     |
| Cambridge, Wash. ....    | 26.19                           | 74.38     | 82.46  | 82.61  | 89.67 | 88.71 | 62.70 | 70.61   | 54.49      | 34.88    | 35.15     | 17.46     | -14.11       | 98                              | January                        | 21 June       | 11 Novem.           | 22 Novem.                | 23 Novem.                |                        |                     |
| Canandaigua, .....       | 19.99                           | 21.05     | 38.61  | 46.21  | 61.27 | 68.21 | 70.46 | 69.10   | 59.07      | 49.24    | 34.98     | 17.26     | -4.94        | 90                              | February                       | 6 August      | 19 Sept.            | 21 Novem.                | 21 Novem.                |                        |                     |
| Cayuga, .....            | 21.99                           | 21.58     | 42.17  | 49.31  | 57.70 | 69.10 | 71.59 | 69.73   | 63.10      | 54.67    | 40.39     | 20.51     | -26.11       | 93                              | February                       | 6 August      | 19 Oct.             | 22 Novem.                | 23 Novem.                |                        |                     |
| Cherry-Valley, .....     | 26.24                           | 17.53     | 35.75  | 45.51  | 44.68 | 52.65 | 28.67 | 39.47   | 49.56      | 54.71    | 12.78     | 44.88     | 90           | January                         | 21 August                      | 13 Novem.     | 1 October           | 27 Novem.                | 27 Novem.                |                        |                     |
| Clinton, .....           | 25.01                           | 31.12     | 39.89  | 46.33  | 55.14 | 66.84 | 68.02 | 71.92   | 64.25      | 58.91    | 47.23     | 45.78     | 94           | January                         | 21 August                      | 13 Novem.     | 20 Decem.           | 1 Novem.                 | 23 Novem.                |                        |                     |
| Dutchess County, .....   | 21.30                           | 23.99     | 43.13  | 49.39  | 56.71 | 68.73 | 71.16 | 73.56   | 64.58      | 54.78    | 40.96     | 19.16     | -12.08       | 96                              | January                        | 21 June       | 2 Sept.             | 30 Novem.                | 22 Novem.                |                        |                     |
| Essex Hall, .....        | 27.41                           | 27.45     | 43.16  | 49.49  | 72.59 | 98.71 | 80.73 | 70.74   | 55.95      | 50.56    | 18.42     | 89.23     | 51.25        | 94                              | January                        | 23 June       | 1 Sept.             | 30 Novem.                | 23 Novem.                |                        |                     |
| Fairfield, .....         | 13.52                           | 20.38     | 37.72  | 46.31  | 55.54 | 67.05 | 67.66 | 49.59   | 36.55      | 36.02    | 13.35     | 44.86     | 93           | January                         | 22 August                      | 18 Sept.      | 4 October           | 31 Novem.                | 23 Novem.                |                        |                     |
| Franklin, .....          | 15.03                           | 18.46     | 35.99  | 43.95  | 52.11 | 69.55 | 67.76 | 65.75   | 58.71      | 48.88    | 12.59     | 45.94     | 90           | February                        | 5 July                         | 3 Novem.      | 14 Novem.           | 14 Novem.                | 14 Novem.                |                        |                     |
| Fredonia, .....          | 22.95                           | 21.68     | 39.43  | 47.47  | 57.46 | 71.65 | 72.02 | 70.66   | 62.47      | 52.52    | 38.57     | 17.55     | -7.01        | 90                              | February                       | 5 August      | 20 Oct.             | 6 Novem.                 | 19 Novem.                |                        |                     |
| Gouverneur H. School, .. | 13.41                           | 15.17     | 37.65  | 46.49  | 55.99 | 64.40 | 69.67 | 70.68   | 57.60      | 46.86    | 34.56     | 11.10     | -43.48       | 95                              | February                       | 22 August     | 16 Sept.            | 18 Oct.                  | 27 Novem.                |                        |                     |
| Hamilton, .....          | 18.67                           | 20.22     | 37.19  | 46.74  | 59.73 | 65.70 | 83.68 | 90.56   | 88.49      | 98.34    | 72.12     | 28.45     | -75.96       | 96                              | December                       | 22 June       | 3 Sept.             | 18 Oct.                  | 27 Novem.                |                        |                     |
| Hartwick, .....          | 17.11                           | 15.11     | 30.18  | 46.27  | 66.13 | 67.35 | 67.35 | 67.35   | 62.13      | 54.46    | 36.90     | 14.51     | -30.11       | 94                              | January                        | 21 May        | 11 Novem.           | 14 Novem.                | 14 Novem.                |                        |                     |
| Hudson, .....            | 22.42                           | 24.68     | 41.49  | 51.60  | 67.32 | 75.00 | 75.42 | 74.26   | 66.95      | 55.71    | 40.57     | 18.51     | -16.11       | 94                              | January                        | 21 May        | 30 Oct.             | 1 Novem.                 | 22 Novem.                |                        |                     |
| Johnstown, .....         | 19.39                           | 20.59     | 37.16  | 45.61  | 59.29 | 71.05 | 69.04 | 69.24   | 60.26      | 50.51    | 31.82     | 15.90     | -46.00       | 96                              | January                        | 22 June       | 11 Sept.            | 18 Novem.                | 22 Novem.                |                        |                     |
| Kinderhook, .....        | 18.85                           | 19.92     | 38.74  | 49.14  | 59.30 | 69.51 | 69.69 | 69.69   | 62.61      | 54.51    | 21.37     | 13.34     | -94.90       | 91                              | January                        | 21 August     | 21 Oct.             | 1 Novem.                 | 22 Novem.                |                        |                     |
| Kingston, .....          | 21.02                           | 23.43     | 42.18  | 53.84  | 62.73 | 73.11 | 73.91 | 75.53   | 67.71      | 56.94    | 41.08     | 18.77     | -16.11       | 96                              | January                        | 21 July       | 4 Novem.            | 26 Novem.                | 26 Novem.                |                        |                     |
| Lansingburgh, .....      | 19.56                           | 19.84     | 39.13  | 48.98  | 60.95 | 72.32 | 72.61 | 71.53   | 62.14      | 51.94    | 38.09     | 15.17     | -47.63       | 96                              | January                        | 22 June       | 11 Oct.             | 1 Novem.                 | 22 Novem.                |                        |                     |
| Levittown, .....         | 26.67                           | 24.13     | 41.63  | 47.86  | 59.54 | 69.04 | 74.18 | 72.45   | 63.51      | 56.74    | 41.23     | 17.85     | -28.12       | 94                              | February                       | 5 August      | 19 Oct.             | 7 Novem.                 | 22 Novem.                |                        |                     |
| Lowville, .....          | 13.90                           | 17.85     | 32.45  | 39.56  | 56.74 | 69.45 | 67.68 | 68.80   | 57.77      | 49.02    | 34.23     | 11.20     | -43.97       | 95                              | February                       | 22 June       | 9 Sept.             | 30 Oct.                  | 27 Novem.                |                        |                     |
| Middlebury, .....        | 21.06                           | 20.77     | 38.85  | 46.32  | 56.46 | 68.84 | 69.57 | 68.12   | 63.99      | 52.31    | 35.67     | 17.96     | -46.35       | 94                              | February                       | 5 August      | 19 Sept.            | 30 Novem.                | 22 Novem.                |                        |                     |
| Montgomery, .....        | 22.24                           | 23.28     | 41.45  | 51.37  | 61.10 | 71.70 | 72.20 | 72.60   | 64.35      | 56.40    | 42.02     | 17.53     | -49.48       | 98                              | January                        | 21 August     | 10 Novem.           | 3 Novem.                 | 22 Novem.                |                        |                     |
| North-Salem, .....       | 23.46                           | 24.88     | 41.14  | 49.88  | 60.86 | 70.77 | 62.70 | 62.61   | 40.54      | 31.42    | 20.65     | 16.96     | -15.06       | 93                              | January                        | 21 August     | 20 Sept.            | 18 Novem.                | 21 Novem.                |                        |                     |
| North-Salem, .....       | 21.18                           | 21.91     | 41.06  | 49.39  | 60.36 | 72.44 | 73.48 | 72.68   | 63.03      | 55.39    | 36.26     | 16.96     | -15.06       | 93                              | January                        | 13 July       | 11 Sept.            | 30 Novem.                | 27 Novem.                |                        |                     |
| Oxford, .....            | 19.86                           | 18.39     | 38.25  | 47.85  | 60.42 | 69.92 | 68.58 | 70.58   | 61.49      | 52.36    | 41.15     | 27.46     | -16.16       | 91                              | February                       | 6 June        | 10 Oct.             | 11 Oct.                  | 6 Novem.                 |                        |                     |
| Pompey, .....            | 15.26                           | 18.05     | 35.18  | 42.96  | 54.67 | 69.66 | 62.66 | 60.55   | 50.47      | 34.32    | 12.84     | 13.08     | -5.99        | 85                              | December                       | 22 June       | 10 Oct.             | 11 Oct.                  | 6 Novem.                 |                        |                     |
| Redhook, .....           | 25.95                           | 23.78     | 40.26  | 50.37  | 64.84 | 74.72 | 72.73 | 74.72   | 71.64      | 57.53    | 54.39     | 58.15     | -65.65       | 90                              | January                        | 21 August     | 15 Oct.             | 23 Novem.                | 22 Novem.                |                        |                     |

# RECAPITULATION AND RESULTS, No. 1, (Continued.)

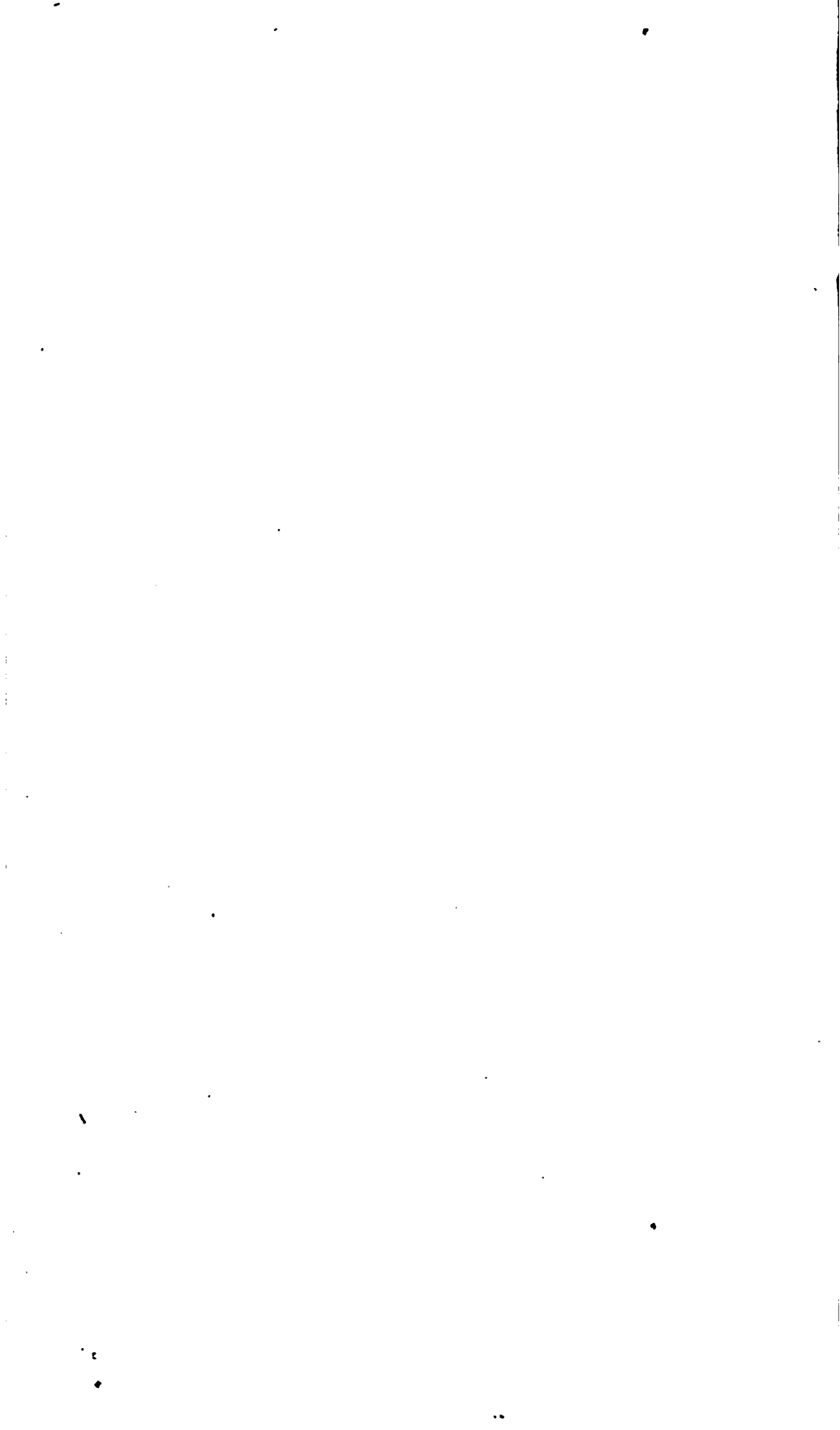
| ACADEMIES.           | MEAN TEMPERATURE OF EACH MONTH. |           |        |        |       |       |       |         |            |          |           |           | Annual Mean. | Highest degree du-<br>ring the year. | Lowest degree du-<br>ring the year. | Annual Range. | Greatest mo. Range. | Coldest day<br>in the year. | Warmest day<br>in the year. | First frost in<br>autumn. | First fall of<br>snow. |
|----------------------|---------------------------------|-----------|--------|--------|-------|-------|-------|---------|------------|----------|-----------|-----------|--------------|--------------------------------------|-------------------------------------|---------------|---------------------|-----------------------------|-----------------------------|---------------------------|------------------------|
|                      | January.                        | February. | March. | April. | May.  | June. | July. | August. | September. | October. | November. | December. |              |                                      |                                     |               |                     |                             |                             |                           |                        |
|                      |                                 |           |        |        |       |       |       |         |            |          |           |           |              |                                      |                                     |               |                     |                             |                             |                           |                        |
| St. Lawrence,        | 14.00                           | 20.00     | 35.44  | 44.80  | 56.06 | 67.87 | 80.67 | 87.64   | 89.58      | 89.46    | 51.34     | 94.12     | 43.48        | 93                                   | 20                                  | 11374         | December 22         | August                      | 21 October                  | 7 October                 |                        |
| Sam. of Gen. & O. C. | 17.10                           | 17.78     | 34.87  | 43.17  | 55.71 | 68.19 | 68.76 | 64.99   | 57.20      | 49.55    | 34.13     | 13.23     | 43.64        | 92                                   | 22                                  | 11479         | January 18          | August                      | 21 October                  | 1 October                 |                        |
| Union,               | 22.83                           | 20.72     | 38.24  | 45.07  | 53.89 | 70.14 | 69.28 | 67.13   | 59.69      | 52.19    | 40.76     | 15.82     | 46.15        | 95                                   | 19                                  | 11470         | December 22         | June                        | 8 October                   | 12 October                |                        |
| Union-Hall,          | 21.97                           | 23.09     | 41.20  | 48.17  | 53.72 | 70.05 | 72.69 | 73.69   | 65.01      | 55.09    | 40.60     | 21.29     | 49.61        | 92                                   | 1                                   | 9187          | January 13          | August                      | 16 October                  | 7 November                |                        |
| Utica,               | 18.86                           | 20.00     | 38.13  | 47.89  | 57.61 | 68.85 | 67.04 | 66.77   | 57.87      | 50.83    | 37.16     | 15.35     | 45.24        | 89                                   | 24                                  | 11568         | January 21          | August                      | 21 October                  | 1 November                |                        |



# ION AND

| CH MONTH. |          | Prevailing Wind. |
|-----------|----------|------------------|
| August.   | N. West. |                  |
| NW.       | 86       | South.           |
| SW.       | 82½      | Southwest.       |
| N.        | 87       | South.           |
| NW.       | 44       | West.            |
| S.        | 39½      | South.           |
| NW.       | 47½      | West.            |
| SW.       | 76       | Northwest.       |
| S.        | 51½      | South.           |
| SW.       | 124      | Northwest.       |
| NW.       | 169½     | Northwest.       |
| NW.       | .....    | Northwest.       |
| W.        | 21       | West.            |
| SW.       | 37       | West.            |
| S.        | 94       | Northwest        |
| S.        | 96       | South.           |
| S.        | 20½      | North.           |
| W.        | 22       | West.            |
| S.        | 110      | South.           |
| SE.       | 106      | Northwest.       |
| N.        | 89       | South.           |
| SW.       | 32       | Southwest.       |
| N.        | 91½      | Northwest.       |
| SW.       | 68       | Southwest.       |
| SW.       | 38       | Southwest.       |
| S.        | 89½      | Northwest.       |
| NW.       | 124½     | Northwest.       |
| W.        | 81½      | West.            |
| SW.       | 50       | Southwest.       |
| N.        | 19½      | South.           |
| SW.       | 57½      | Southwest.       |
| NW.       | 112½     | Northwest.       |
| W.        | 42       | West.            |
| NE&SW.    | 163      | Northwest.       |
| W.        | 1        | West.            |





### RECAPITULATION AND RESULTS, No. 3.

| ACADEMIES.                    | WEATHER, (NO. OF DAYS.) |         |       |       | RAIN GAGE FOR EACH MONTH. |          |           |        |        |      |       |       |         |            |          |           | Driest month in the year. | Wet'th month in the year. |           |
|-------------------------------|-------------------------|---------|-------|-------|---------------------------|----------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|---------------------------|---------------------------|-----------|
|                               | Clear.                  | Cloudy. | Rain. | Snow. | Rain & Snow.              | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. |                           |                           | December. |
|                               |                         |         |       |       |                           |          |           |        |        |      |       |       |         |            |          |           |                           |                           |           |
| Albany, .....                 | 2061                    | 1851    | 89    | 25    | 4                         | 1.88     | 4.17      | 2.38   | 4.59   | 2.88 | 4.04  | 4.82  | 3.25    | 3.93       | 4.82     | 1.71      | 1.57                      | December...               | October.  |
| Buffalo, .....                | 175                     | 190     | 32    | 26    | 2                         | 1.90     | 2.65      | 3.40   | 3.20   | 2.30 | 3.80  | 5.79  | 4.72    | 4.22       | 4.42     | 3.95      | 2.50                      | January...                | July.     |
| Cambridge, Washington, .....  | 178                     | 157     | 56    | 19    | 0                         | 3.32     | 2.49      | 2.03   | 3.76   | 3.20 | 4.49  | 3.75  | 3.10    | 3.90       | 3.90     | 1.41      | 1.81                      | December...               | June.     |
| Canandaigua, .....            | 161                     | 204     | 88    | 30    | 1                         | 4.42     | 1.84      | 1.24   | 3.33   | 3.24 | 4.78  | 5.13  | 4.53    | 2.94       | 3.22     | 1.41      | 1.42                      | March...                  | June.     |
| Cayuga, .....                 | 2004                    | 164     | 47    | 15    | 1                         | 3.87     | 3.41      | 2.64   | 6.23   | 4.20 | 4.58  | 4.02  | 3.95    | 3.97       | 5.40     | 3.72      | 3.03                      | April...                  | April.    |
| Cherry-Valley, .....          | 175                     | 182     | 51    | 21    | 4                         | 1.67     | 1.77      | 1.25   | 6.81   | 4.64 | 3.00  | 3.14  | 1.07    | 5.40       | 4.85     | 3.02      | 1.27                      | March...                  | April.    |
| Clinton, .....                | 266                     | 99      | 31    | 10    | 0                         | 2.50     | 3.50      | 3.50   | 5.85   | 3.40 | 4.22  | 3.81  | 8.07    | 4.45       | 6.08     | 2.45      | 1.17                      | December...               | August.   |
| Dutchess County, .....        | 246                     | 118     | 52    | 9     | 3                         | 4.72     | 3.46      | 4.24   | 5.98   | 2.36 | 1.48  | 6.17  | 2.55    | 3.11       | 4.47     | 2.02      | 1.93                      | June...                   | June.     |
| Enosus Hall, .....            | 235                     | 180     | 65    | 14    | 4                         | 1.51     | 1.10      | 1.52   | 1.80   | 1.80 | 3.40  | 3.18  | 2.90    | 2.10       | 1.24     | 1.90      | 1.25                      | February...               | July.     |
| Farfield, .....               | 133                     | 211     | 49    | 39    | 4                         | 1.83     | 3.25      | 3.32   | 2.59   | 2.89 | 3.97  | 3.40  | 4.02    | 3.50       | 3.75     | 4.49      | 2.55                      | March...                  | July.     |
| Franklin, .....               | 173                     | 192     | 54    | 28    | 3                         | 1.05     | 0.98      | 3.90   | 1.95   | 2.98 | 4.17  | 6.35  | 3.57    | 3.95       | 3.85     | 4.49      | 2.55                      | March...                  | July.     |
| Freeburg, .....               | 200                     | 164     | 53    | 25    | 2                         | 45       | 2.15      | 3.25   | 2.52   | 2.81 | 3.80  | 2.57  | 4.61    | 3.45       | 3.71     | 2.91      | 1.69                      | May...                    | June.     |
| Gouverneur High School, ..... | 194                     | 170     | 29    | 23    | 45                        | 2.25     | 3.59      | 2.58   | 4.18   | 4.19 | 4.30  | 2.74  | 3.89    | 2.55       | 3.71     | 2.11      | 1.61                      | December...               | April.    |
| Hamilton, .....               | 140                     | 216     | 54    | 31    | 1                         | 2.45     | 4.23      | 2.49   | 5.09   | 3.64 | 5.05  | 4.04  | 4.98    | 3.78       | 3.90     | 2.93      | 2.03                      | March...                  | October.  |
| Hartwick, .....               | 308                     | 157     | 46    | 9     | 2                         | 4.50     | 3.50      | 1.55   | 4.25   | 2.93 | 3.69  | 3.78  | 5.61    | 4.00       | 6.09     | 2.25      | 2.27                      | November...               | July.     |
| Hudson, .....                 | 149                     | 215     | 54    | 21    | 0                         | 3.60     | 3.61      | 3.05   | 3.25   | 2.23 | 5.07  | 5.11  | 2.59    | 2.70       | 3.82     | 7.5       | 1.10                      | December...               | August.   |
| Johnstown, .....              | 182                     | 183     | 69    | 20    | 3                         | 3.12     | 2.57      | 2.55   | 5.58   | 2.95 | 5.62  | 4.90  | 6.04    | 3.94       | 3.74     | 2.81      | 2.50                      | August...                 | June.     |
| Kindhook, .....               | 257                     | 107     | 42    | 9     | 0                         | 3.66     | 4.38      | 3.62   | 4.48   | 3.16 | 6.87  | 4.13  | 1.23    | 3.30       | 4.37     | 2.60      | 4.35                      | December...               | June.     |
| Kington, .....                | 195                     | 170     | 70    | 15    | 4                         | 1.62     | 2.01      | 2.96   | 5.18   | 2.75 | 3.98  | 3.93  | 3.41    | 3.92       | 5.20     | 2.31      | 1.16                      | December...               | October.  |
| Laurensburg, .....            | 188                     | 177     | 41    | 21    | 8                         | 1.25     | 1.57      | 1.12   | 3.90   | 1.57 | 3.18  | 3.32  | 7.4     | 2.74       | 4.65     | 1.63      | 2.98                      | March...                  | February. |
| Lewiston, .....               | 170                     | 193     | 65    | 35    | 35                        | 2.48     | 5.71      | 1.35   | 3.38   | 2.75 | 2.10  | 3.94  | 4.06    | 3.25       | 3.48     | 2.18      | 1.56                      | December...               | July.     |
| Lowville, .....               | 158                     | 206     | 35    | 13    | 1                         | 1.45     | 1.08      | 1.44   | 3.66   | 2.50 | 4.39  | 5.00  | 2.85    | 1.83       | 3.89     | 1.18      | 1.46                      | May...                    | October.  |
| Middlebury, .....             | 209                     | 183     | 47    | 10    | 0                         | 3.80     | 1.84      | 2.03   | 5.63   | 1.34 | 4.32  | 4.39  | 6.74    | 4.19       | 7.35     | 2.37      | 2.37                      | December...               | July.     |
| Montgomery, .....             | 213                     | 152     | 32    | 9     | 21                        | 2.57     | 1.92      | 2.64   | 3.92   | 2.79 | 3.41  | 5.66  | 4.99    | 4.98       | 5.88     | 3.02      | 6.00                      | December...               | October.  |
| Mount-Pleasant, .....         | 237                     | 127     | 52    | 13    | 0                         | 2.00     | 2.54      | 2.38   | 4.79   | 3.41 | 5.50  | 4.89  | 3.29    | 2.40       | 6.51     | 3.92      | 6.00                      | December...               | October.  |
| North-Salem, .....            | 166                     | 199     | 57    | 21    | 2                         | 2.71     | 1.67      | 1.21   | 1.93   | 1.23 | 4.47  | 4.26  | 4.13    | 3.75       | 3.52     | 91        | 94                        | November...               | June.     |
| Oxford, .....                 | 156                     | 209     | 46    | 35    | 0                         | 1.06     | .85       | 1.72   | 1.67   | 1.44 | 1.51  | 4.91  | 3.37    | 3.17       | 2.82     | 79        | 42                        | December...               | June.     |
| Pawsey, .....                 | 239                     | 126     | 61    | 11    | 2                         | 2.80     | 1.27      | 2.95   | 5.59   | 3.92 | 8.50  | 8.92  | 6.27    | 4.47       | 6.32     | 1.80      | 1.80                      | December...               | June.     |
| Pawsey, .....                 | 239                     | 126     | 61    | 11    | 2                         | 2.80     | 1.27      | 2.95   | 5.59   | 3.92 | 8.50  | 8.92  | 6.27    | 4.47       | 6.32     | 1.80      | 1.80                      | December...               | June.     |

# RECAPITULATION AND RESULTS, No. 3, (Continued.)

| ACADEMIES.                       | WEATHER, (NO. OF DAYS.) |         |       |       |              | RAIN GAGE FOR EACH MONTH. |           |        |        |      |       |       |         |            |          |           |           | Total fall of rain and snow, 1881. | Driest month in the year. | Wettest month in the year. |
|----------------------------------|-------------------------|---------|-------|-------|--------------|---------------------------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|------------------------------------|---------------------------|----------------------------|
|                                  | Clear.                  | Cloudy. | Rain. | Snow. | Rain & Snow. | January.                  | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. |                                    |                           |                            |
|                                  |                         |         |       |       |              |                           |           |        |        |      |       |       |         |            |          |           |           |                                    |                           |                            |
| St. Lawrence,.....               | 176                     | 159     | 203   | 27    | 1            | 3.60                      | 2.66      | 2.90   | 2.40   | 2.64 | 2.91  | 2.94  | 2.05    | 4.65       | 2.06     | 1.20      | 1.30      | 30.36                              | January.....              | September,                 |
| Sum. of Gen. and Ouel. Con. .... | 182½                    | 202½    | 26    | 28    | 2            | 3.40                      | 2.01      | 1.89   | 4.31   | 2.21 | 2.10  | 4.54  | 2.73    | 2.94       | 2.66     | 2.76      | 26        | 27.20                              | December,....             | April.                     |
| Union.....                       | 180                     | 175     | 31    | 20½   | 2            | .19                       | 1.27      | .27    | 2.45   | 1.22 | 2.10  | 6.46  | 2.53    | 5.73       | 5.91     | 2.98      | 1.20      | 22.58                              | January.....              | July.                      |
| Union-Hall, .....                | 250½                    | 104½    | 44½   | 6½    | 0            | 2.20                      | 2.03      | 3.22   | 5.75   | 2.30 | 1.60  | 4.12  | 1.20    | 6.20       | 4.70     | 1.25      | 1.20      | 27.76                              | August,.....              | September.                 |
| Utica, .....                     | 246½                    | 119½    | 62    | 37    | 4½           | 3.10                      | 2.64      | 1.90   | 5.38   | 2.92 | 2.22  | 6.09  | 4.35    | 1.45       | 1.25     | 1.57      | 3.83      | 27.50                              | October,.....             | July.                      |

## RECAPITULATION AND RESULTS, No. 4.

COMPARISON OF THE WARMEST AND COLDEST DAY IN EACH MONTH.

|                                  | January. |          | February. |          | March.   |          | April.   |          | May.     |          | June.    |          | July.    |          | August.  |          | September. |          | October. |          | November. |          | December. |  |
|----------------------------------|----------|----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|----------|----------|----------|-----------|----------|-----------|--|
|                                  | Coldest. | Warmest. | Coldest.  | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest.   | Warmest. | Coldest. | Warmest. | Coldest.  | Warmest. | Coldest.  |  |
| Albany, . . . . .                | 21       | 4        | 7         | 16       | 17       | 28       | 12       | 18       | 9        | 29       | 23       | 2        | 11       | 19       | 28       | 21       | 30         | 10       | 28       | 17       | 31        | 23       | 24        |  |
| Buffalo, . . . . .               | 9        | 15       | 5         | 28       | 23       | 17       | 9        | 16       | 8        | 29       | 23       | 17       | 15       | 3        | 24       | 21       | 29         | 1        | 27       | 2        | 30        | 15       | 24        |  |
| Cambridge, Washington, . . . . . | 24       | 4        | 14        | 23       | 17       | 31       | 12       | 30       | 5        | 12       | 14       | 11       | 10       | 4        | 28       | 31       | 30         | 27       | 13       | 2        | 18        | 23       | 24        |  |
| Canandaigua, . . . . .           | 31       | 4        | 6         | 28       | 16       | 23       | 9        | 15       | 9        | 29       | 33       | 1        | 10       | 4        | 28       | 19       | 30         | 27       | 23       | 2        | 30        | 23       | 24        |  |
| Cayuga Valley, . . . . .         | 13       | 4        | 5         | 16       | 17       | 31       | 9        | 18       | 9        | 12       | 30       | 20       | 10       | 8        | 28       | 19       | 30         | 7        | 25       | 25       | 30        | 22       | 24        |  |
| Cherry Valley, . . . . .         | 23       | 4        | 12        | 16       | 17       | 26       | 12       | 18       | 9        | 29       | 33       | 11       | 11       | 30       | 28       | 21       | 30         | 10       | 25       | 3        | 30        | 22       | 24        |  |
| Clinton, . . . . .               | 21       | 4        | 7         | 16       | 17       | 31       | 9        | 15       | 9        | 31       | 23       | 3        | 13       | 19       | 29       | 19       | 30         | 11       | 28       | 3        | 30        | 15       | 24        |  |
| Dutchess County, . . . . .       | 28       | 4        | 5         | 16       | 20       | 25       | 9        | 20       | 9        | 30       | 23       | 2        | 13       | 19       | 29       | 15       | 30         | 11       | 28       | 3        | 30        | 22       | 24        |  |
| Essex Hall, . . . . .            | 21       | 4        | 6         | 16       | 17       | 28       | 9        | 18       | 9        | 29       | 23       | 3        | 10       | 19       | 28       | 17       | 30         | 1        | 7        | 17       | 30        | 4        | 24        |  |
| Fairfield, . . . . .             | 21       | 4        | 5         | 16       | 17       | 23       | 9        | 18       | 9        | 29       | 23       | 3        | 11       | 19       | 28       | 21       | 30         | 10       | 11       | 2        | 30        | 22       | 24        |  |
| Franklin, . . . . .              | 23       | 4        | 6         | 28       | 20       | 23       | 11       | 18       | 9        | 30       | 23       | 17       | 15       | 8        | 28       | 31       | 30         | 1        | 29       | 17       | 30        | 16       | 24        |  |
| Fredonia, . . . . .              | 25       | 4        | 20        | 23       | 19       | 23       | 9        | 26       | 9        | 30       | 24       | 1        | 10       | 2        | 28       | 31       | 30         | 10       | 29       | 2        | 30        | 16       | 24        |  |
| Genevieve High School, . . . . . | 23       | 4        | 6         | 29       | 19       | 23       | 11       | 13       | 9        | 30       | 23       | 3        | 12       | 28       | 9        | 19       | 30         | 10       | 25       | 2        | 30        | 23       | 24        |  |
| Hamilton, . . . . .              | 20       | 4        | 5         | 16       | 17       | 23       | 11       | 15       | 9        | 30       | 23       | 11       | 11       | 19       | 28       | 17       | 30         | 10       | 25       | 2        | 30        | 23       | 24        |  |
| Hartwick, . . . . .              | 21       | 4        | 5         | 16       | 8        | 23       | 9        | 13       | 9        | 30       | 23       | 11       | 14       | 19       | 28       | 17       | 30         | 10       | 25       | 2        | 30        | 23       | 24        |  |
| Hudson, . . . . .                | 21       | 4        | 5         | 16       | 8        | 23       | 9        | 14       | 9        | 31       | 23       | 10       | 10       | 30       | 28       | 21       | 30         | 11       | 28       | 3        | 30        | 23       | 24        |  |
| Johstown, . . . . .              | 23       | 4        | 6         | 16       | 17       | 23       | 12       | 15       | 9        | 30       | 24       | 11       | 11       | 31       | 29       | 21       | 30         | 11       | 28       | 3        | 30        | 23       | 24        |  |
| Kinderhook, . . . . .            | 21       | 4        | 4         | 16       | 17       | 20       | 8        | 27       | 5        | 31       | 23       | 1        | 11       | 4        | 29       | 22       | 30         | 13       | 28       | 3        | 30        | 23       | 24        |  |
| Kingston, . . . . .              | 21       | 4        | 5         | 16       | 8        | 26       | 9        | 15       | 9        | 31       | 23       | 11       | 11       | 4        | 29       | 21       | 30         | 11       | 28       | 3        | 30        | 23       | 24        |  |
| Leaningburgh, . . . . .          | 21       | 4        | 5         | 28       | 18       | 33       | 9        | 18       | 9        | 31       | 5        | 2        | 15       | 7        | 26       | 19       | 30         | 1        | 28       | 16       | 30        | 18       | 24        |  |
| Lewiston, . . . . .              | 21       | 4        | 13        | 28       | 17       | 31       | 9        | 18       | 9        | 29       | 23       | 10       | 10       | 8        | 28       | 19       | 30         | 10       | 28       | 3        | 30        | 23       | 24        |  |
| Loville, . . . . .               | 20       | 4        | 5         | 28       | 20       | 33       | 10       | 16       | 9        | 31       | 24       | 10       | 11       | 5        | 2        | 19       | 30         | 10       | 28       | 3        | 30        | 23       | 24        |  |
| Middlebury, . . . . .            | 23       | 4        | 5         | 28       | 20       | 33       | 10       | 16       | 9        | 31       | 24       | 10       | 11       | 5        | 2        | 19       | 30         | 10       | 28       | 3        | 30        | 23       | 24        |  |
| Montgomery, . . . . .            | 21       | 5        | 1         | 17       | 24       | 28       | 19       | 9        | 31       | 23       | 19       | 11       | 32       | 28       | 10       | 30       | 10         | 28       | 25       | 30       | 14        | 25       | 24        |  |
| Mount Pleasant, . . . . .        | 21       | 4        | 14        | 16       | 1        | 21       | 9        | 20       | 9        | 31       | 23       | 3        | 11       | 31       | 28       | 21       | 30         | 11       | 28       | 3        | 30        | 15       | 24        |  |
| North-Salem, . . . . .           | 21       | 4        | 7         | 16       | 17       | 31       | 6        | 18       | 9        | 31       | 23       | 11       | 12       | 19       | 28       | 20       | 30         | 10       | 28       | 3        | 30        | 23       | 24        |  |
| Orford, . . . . .                | 20       | 4        | 5         | 16       | 17       | 24       | 9        | 8        | 9        | 29       | 23       | 11       | 10       | 8        | 28       | 21       | 30         | 10       | 28       | 2        | 30        | 23       | 24        |  |
| Poupaty, . . . . .               | 23       | 4        | 6         | 28       | 17       | 23       | 9        | 18       | 9        | 31       | 28       | 20       | 10       | 4        | 28       | 21       | 30         | 10       | 28       | 3        | 30        | 23       | 24        |  |

ACADEMIES.

# RECAPITULATION AND RESULTS, No. 4, (Continued.)

COMPARISON OF THE WARMEST AND COLDEST DAY IN EACH MONTH.

|                              | January. |          | February. |          | March.   |          | April.   |          | May.     |          | June.    |          | July.    |          | August.  |                  | September. |          | October. |          | November.        |          | December. |    |
|------------------------------|----------|----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------------|------------|----------|----------|----------|------------------|----------|-----------|----|
|                              | Coldest. | Warmest. | Coldest.  | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest. | Coldest. | Warmest.         | Coldest.   | Warmest. | Coldest. | Warmest. | Coldest.         | Warmest. | Coldest.  |    |
| Bedhook,.....                | 24       | 4        | 14        | 16       | 17       | 23       | 10       | 15       | 9        | 31       | 23       | 1        | 11       | 19       | 28       | 15               | 30         | 10       | 29       | 3        | 30               | 10       | 21        | 24 |
| St. Lawrence,.....           | 20       | 4        | 20        | 28       | 8        | 23       | 9        | 18       | 9        | 29       | 22       | 8        | 10       | 8        | 26       | 21               | 30         | 10       | 28       | 23       | 1                | 22       | 24        |    |
| Sem. of Gen. and Oncl. Com.. | 13       | 4        | 6         | 16       | 17       | 23       | 13       | 18       | 9        | 29       | 28       | 10       | 16       | 8        | 23       | 21               | 30         | 10       | 28       | 16       | 30               | 9        | 24        |    |
| Union,.....                  | 24       | 4        | 5         | 23       | 17       | 24       | 10       | 18       | 9        | 31       | 15       | 8        | 10       | 4        | 23       | 19               | 29         | 10       | 28       | 2        | 31               | 10       | 24        |    |
| Union-Hall,.....             | 13       | 4        | 9         | 16       | 17       | 27       | 9        | 20       | 9        | 31       | 23       | 2        | 11       | 20       | 28       | 16 <sup>34</sup> | 30         | 2        | 6        | 4        | 29 <sup>30</sup> | 10       | 24        |    |
| Utica,.....                  | 20       | 4        | 13        | 1        | 17       | 26       | 12       | 18       | 9        | 31       | 23       | 3        | 10       | 4        | 28       | 21               | 30         | 10       | 28       | 2        | 30               | 18       | 24        |    |

## ACADEMIES.

## RECAPITULATION AND RESULTS, No. 5.

COMPARISON OF THE RANGE IN EACH MONTH.

|                               | January. |         | February. |         | March.   |         | April.   |         | May.     |         | June.    |         | July.    |         | August.  |         | September. |         | October. |         | November. |         | December. |     |
|-------------------------------|----------|---------|-----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|------------|---------|----------|---------|-----------|---------|-----------|-----|
|                               | Highest. | Lowest. | Highest.  | Lowest. | Highest. | Lowest. | Highest. | Lowest. | Highest. | Lowest. | Highest. | Lowest. | Highest. | Lowest. | Highest. | Lowest. | Highest.   | Lowest. | Highest. | Lowest. | Highest.  | Lowest. | Highest.  |     |
| Albany, .....                 | 55       | -10     | 44        | -2      | 66       | 18      | 80       | 32      | 89       | 36      | 94       | 48      | 90       | 50      | 91       | 50      | 86         | 43      | 76       | 29      | 56        | 21      | 37        | 0   |
| Buffalo, .....                | 38       | 5       | 46        | 0       | 56       | 18      | 72       | 30      | 80       | 35      | 89       | 56      | 88       | 57      | 89       | 54      | 81         | 38      | 70       | 26      | 62        | 12      | 36        | 2   |
| Cambridge, Washington, .....  | 60       | -12     | 41        | -10     | 64       | 18      | 74       | 27      | 86       | 40      | 98       | 46      | 86       | 52      | 96       | 41      | 88         | 40      | 74       | 30      | 64        | 10      | 37        | -14 |
| Canandaigua, .....            | 54       | -2      | 51        | -4      | 70       | 10      | 69       | 80      | 80       | 32      | 80       | 54      | 80       | 50      | 90       | 52      | 79         | 38      | 79       | 23      | 60        | 14      | 32        | 4   |
| Cayuga, .....                 | 57       | 4       | 50        | -2      | 69       | 18      | 74       | 80      | 88       | 38      | 88       | 50      | 89       | 50      | 93       | 52      | 79         | 48      | 78       | 29      | 62        | 22      | 36        | 9   |
| Cherry-Valley, .....          | 52       | -26     | 44        | -17     | 62       | 3       | 72       | 23      | 80       | 30      | 90       | 42      | 86       | 42      | 90       | 44      | 80         | 36      | 75       | 22      | 64        | 12      | 34        | -12 |
| Clinton, .....                | 53       | 10      | 48        | 14      | 62       | 21      | 62       | 30      | 86       | 35      | 94       | 46      | 86       | 42      | 91       | 52      | 82         | 42      | 76       | 37      | 63        | 27      | 40        | 0   |
| Dutchess County, .....        | 56       | -10     | 46        | -12     | 66       | 18      | 74       | 28      | 92       | 32      | 94       | 52      | 90       | 53      | 89       | 50      | 85         | 38      | 90       | 31      | 63        | 26      | 38        | 5   |
| Esopus Hall, .....            | 64       | 6       | 50        | 8       | 65       | 24      | 73       | 32      | 92       | 39      | 98       | 41      | 88       | 44      | 88       | 47      | 82         | 36      | 74       | 34      | 68        | 20      | 29        | -11 |
| Fairfield, .....              | 50       | -20     | 52        | -3      | 60       | 13      | 68       | 21      | 86       | 28      | 98       | 40      | 88       | 44      | 88       | 47      | 82         | 32      | 75       | 24      | 64        | 20      | 29        | -6  |
| Franklin, .....               | 53       | 8       | 50        | 20      | 60       | 7       | 80       | 19      | 82       | 36      | 98       | 40      | 88       | 44      | 88       | 47      | 82         | 36      | 74       | 34      | 64        | 20      | 29        | 2   |
| Frederia, .....               | 61       | 5       | 60        | -7      | 63       | 19      | 86       | 28      | 86       | 30      | 95       | 52      | 86       | 56      | 92       | 55      | 82         | 44      | 77       | 29      | 67        | 13      | 31        | 27  |
| Gouverneur High School, ..... | 55       | -27     | 55        | -8      | 63       | 6       | 70       | 30      | 75       | 31      | 85       | 33      | 89       | 50      | 92       | 42      | 78         | 37      | 74       | 21      | 53        | 14      | 32        | -15 |
| Hamilton, .....               | 52       | -23     | 50        | -23     | 69       | 9       | 72       | 24      | 91       | 24      | 96       | 34      | 89       | 53      | 96       | 39      | 80         | 32      | 75       | 25      | 60        | 15      | 32        | -7  |
| Hartwick, .....               | 54       | -30     | 46        | -16     | 60       | 10      | 72       | 24      | 86       | 30      | 93       | 43      | 87       | 44      | 92       | 46      | 86         | 45      | 73       | 32      | 60        | 22      | 35        | 0   |
| Hudson, .....                 | 56       | -10     | 44        | 2       | 64       | 22      | 70       | 30      | 94       | 40      | 98       | 50      | 87       | 47      | 92       | 44      | 86         | 37      | 76       | 23      | 60        | 20      | 32        | 8   |
| Johnstown, .....              | 48       | -16     | 47        | 7       | 62       | 12      | 71       | 27      | 86       | 34      | 91       | 42      | 80       | 47      | 91       | 43      | 86         | 37      | 76       | 23      | 62        | 19      | 37        | -8  |
| Kinderhook, .....             | 57       | -21     | 47        | 2       | 64       | 18      | 77       | 25      | 89       | 31      | 91       | 42      | 80       | 47      | 91       | 43      | 86         | 37      | 76       | 23      | 62        | 19      | 37        | -8  |
| Kingston, .....               | 48       | -8      | 45        | -12     | 75       | 21      | 78       | 33      | 94       | 32      | 98       | 54      | 90       | 50      | 92       | 44      | 86         | 40      | 79       | 37      | 66        | 20      | 31        | -11 |
| Laurensburgh, .....           | 58       | 4       | 54        | -2      | 67       | 22      | 72       | 30      | 85       | 38      | 98       | 58      | 90       | 58      | 92       | 53      | 79         | 53      | 75       | 31      | 69        | 18      | 3         | 8   |
| Lewiston, .....               | 60       | -4      | 54        | -2      | 67       | 22      | 72       | 30      | 85       | 38      | 98       | 58      | 90       | 58      | 92       | 53      | 79         | 53      | 75       | 31      | 69        | 18      | 3         | 8   |
| Lewville, .....               | 50       | -23     | 55        | -20     | 67       | 18      | 76       | 21      | 80       | 25      | 93       | 36      | 92       | 41      | 95       | 39      | 84         | 33      | 78       | 28      | 72        | 16      | 35        | 2   |
| Middlebury, .....             | 54       | -6      | 50        | -14     | 67       | 8       | 76       | 16      | 80       | 35      | 94       | 46      | 89       | 50      | 92       | 42      | 84         | 38      | 83       | 30      | 68        | 21      | 36        | 0   |
| Montgomery, .....             | 54       | 0       | 45        | 6       | 63       | 21      | 74       | 32      | 93       | 36      | 94       | 46      | 89       | 46      | 91       | 45      | 86         | 35      | 80       | 30      | 66        | 21      | 39        | -16 |
| Mount-Pleasant, .....         | 55       | -12     | 42        | -11     | 63       | 21      | 75       | 29      | 92       | 38      | 93       | 49      | 89       | 46      | 91       | 47      | 86         | 31      | 76       | 28      | 66        | 17      | 39        | -5  |
| North-Salem, .....            | 65       | -10     | 49        | -16     | 67       | 10      | 75       | 27      | 91       | 26      | 91       | 48      | 89       | 47      | 91       | 47      | 86         | 31      | 76       | 28      | 66        | 17      | 39        | -5  |
| Oxford, .....                 | 55       | -5      | 45        | -5      | 65       | 19      | 69       | 19      | 83       | 27      | 85       | 46      | 84       | 47      | 86       | 47      | 76         | 35      | 70       | 27      | 50        | 12      | 31        | 5   |
| Poupey, .....                 | 51       | -5      | 45        | -5      | 65       | 19      | 69       | 19      | 83       | 27      | 85       | 46      | 84       | 47      | 86       | 47      | 76         | 35      | 70       | 27      | 50        | 12      | 31        | 5   |

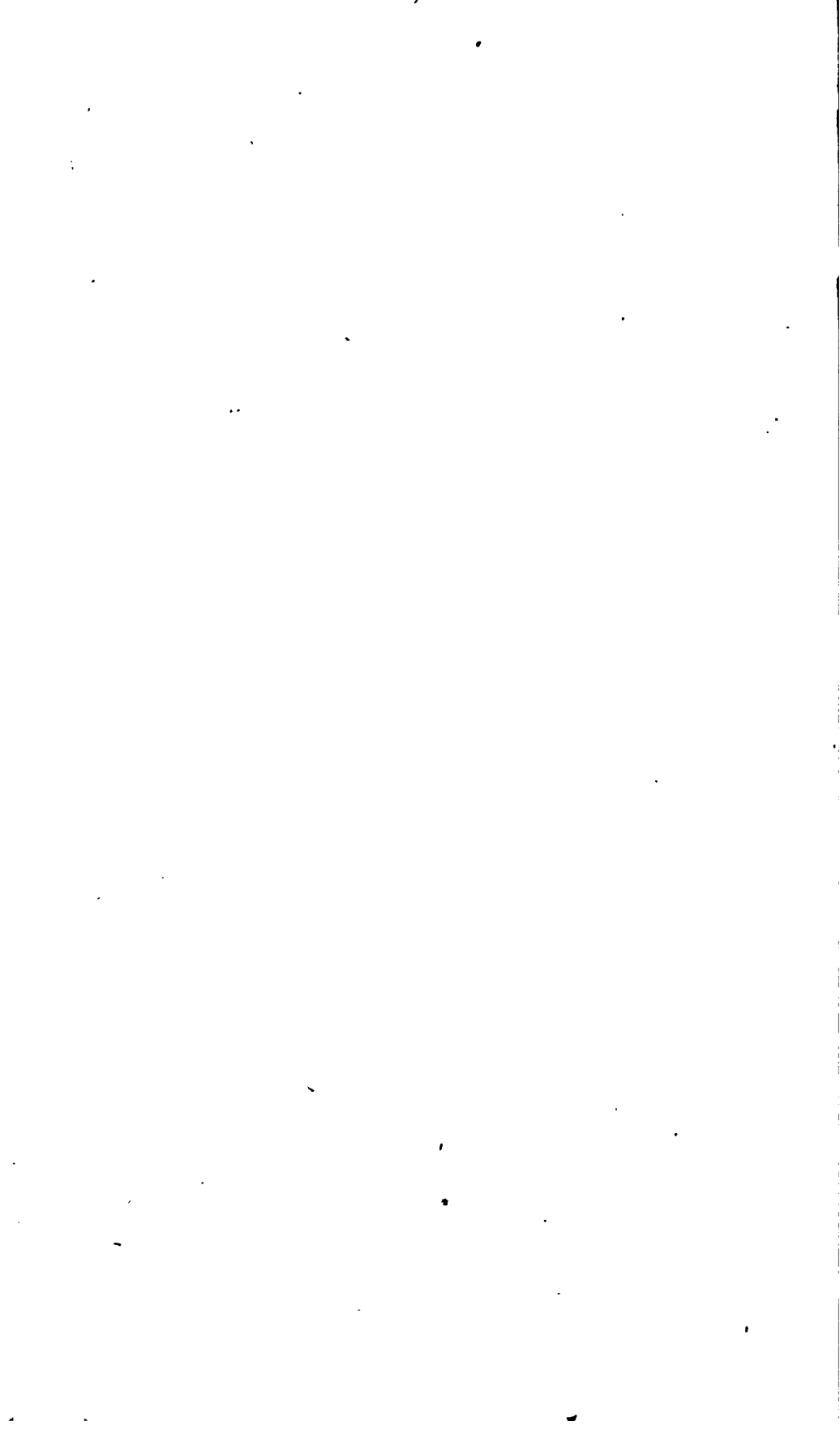
ACADEMIES.



**COMPARISON OF THE TEMPERATURE OF THE MONTHS  
OF DECEMBER, 1830, AND DECEMBER, 1831.**

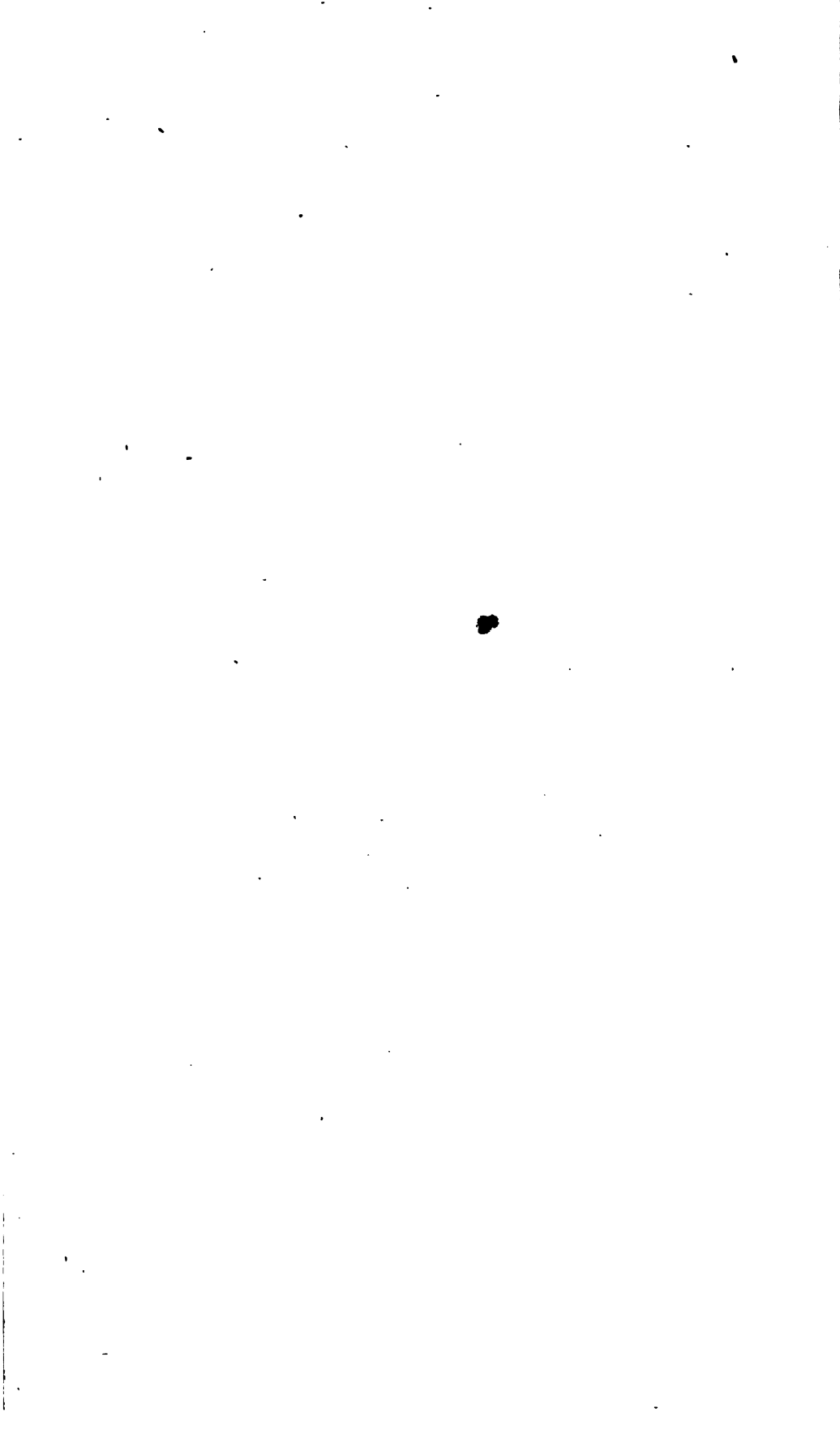
| <b>ACADEMIES.</b>                           | <b>December,<br/>1830.</b> | <b>December<br/>1831.</b> |
|---|----------------------------|---------------------------|
| Albany, .....                               | 33.87                      | 17.17                     |
| Cambridge, Washington, .....                | 33.06                      | 15.17                     |
| Canajoharie, .....                          | 31.10                      | 15.98                     |
| Canandaigua, .....                          | 30.72                      | 17.26                     |
| Cayuga, .....                               | 34.32                      | 20.51                     |
| Cherry-Valley, .....                        | 28.78                      | 12.78                     |
| Clinton, .....                              | 37.86                      | 23.81                     |
| Cortland, .....                             | 31.39                      | 15.52                     |
| Dutchess, .....                             | 33.86                      | 19.16                     |
| Erasmus Hall, .....                         | 38.23                      | 23.35                     |
| Franklin, .....                             | 29.30                      | 12.59                     |
| Fredonia, .....                             | 32.30                      | 17.55                     |
| Gouverneur High School, .....               | 27.96                      | 11.10                     |
| Hamilton, .....                             | 30.50                      | 12.28                     |
| Hartwick, .....                             | 30.55                      | 13.54                     |
| Hudson, .....                               | 34.54                      | 18.04                     |
| Ithaca, .....                               | 33.08                      | 18.83                     |
| Johnstown, .....                            | 31.80                      | 15.90                     |
| Kinderhook, .....                           | 31.56                      | 13.34                     |
| Kingston, .....                             | 35.67                      | 18.77                     |
| Lansingburgh, .....                         | 32.65                      | 15.10                     |
| Lewiston, .....                             | 34.21                      | 17.25                     |
| Lowville, .....                             | 27.70                      | 11.80                     |
| Middlebury, .....                           | 32.40                      | 17.95                     |
| Montgomery, .....                           | 34.73                      | 17.53                     |
| Mount-Pleasant, .....                       | 35.38                      | 20.65                     |
| Newburgh, .....                             | 34.68                      | 19.22                     |
| North-Salem, .....                          | 34.44                      | 16.96                     |
| Oxford, .....                               | 31.28                      | 15.27                     |
| Pompey, .....                               | 27.01                      | 12.84                     |
| Redhook, .....                              | 33.27                      | 15.65                     |
| St. Lawrence, .....                         | 26.44                      | 12.23                     |
| Union, .....                                | 25.38                      | 15.92                     |
| Union-Hall, .....                           | 35.37                      | 21.28                     |
| Utica, .....                                | 31.22                      | 15.35                     |
| Washington, .....                           | 31.78                      | 16.30                     |
| Seminary Genesee and Oneida Conferences, .. | 29.59                      | 13.02                     |
| <b>Mean, .....</b>                          | <b>32.10</b>               | <b>16.40</b>              |





# MISC

| Ithaca.   | Union-Hall. | Utica.<br>Schenectady. | Gouverneur High School. |
|-----------|-------------|------------------------|-------------------------|
|           | April 2.    | May 12.                |                         |
|           | May 14.     | May 12.                |                         |
|           | May 12.     | May 12.                | April 25.               |
| April 25. | April 17.   |                        |                         |
| May 12.   | May 14.     | May 12.                | May 15.                 |
| June 25.  | May 5.      | May 12.                | May 1.                  |
|           | June 25.    | May 12.                | May 1.                  |
|           | March 12.   | May 12.                |                         |
|           | April 17.   | May 12.                | May 5.                  |
|           | April 17.   | May 12.                |                         |
| April 25. |             | May 12.                |                         |
| April 21. | April 21.   | May 12.                |                         |
|           | June 10.    | June 1.                |                         |
|           | June 25.    | June 1.                |                         |
|           | June 16.    | June 1.                |                         |
|           | July 4.     | July 1.                |                         |
|           | July 11.    | July 1.                |                         |
|           | Aug. 1.     | June 1.                |                         |
|           |             | June 1.                |                         |
|           |             | July 1.                |                         |



## MISCELLANEOUS OBSERVATIONS, No. 2.

(ATMOSPHERICAL PHENOMENA, &c.)

### AURORA BOREALIS NOTICED.

- January 6, at *Franklin, Utica, Pompey, North-Salem.*  
January 7, brilliant: *Fredonia, Utica, Pompey, North-Salem.*  
January 14, *Utica*, visible between 7 and 10 P. M. *St. Lawrence.*  
February 6, at 8 P. M. an arch about  $12^{\circ}$  or  $15^{\circ}$  high, at half past 8, in column, with a dark cloud below, *Albany.* Very brilliant, *Oxford.* Slight, *Mount-Pleasant.* Seen at *Lansingburgh, Lewiston, Middlebury, Cayuga.* Very brilliant, assuming a variety of shapes and forms, stupenduous arches from east to west, crossing the heavens, *Cherry-Valley.* Very brilliant, extending nearly  $130^{\circ}$  round the horizon, *Franklin, Fredonia.* Rising in the north-west stretching towards the east, *Hamilton.* Unusually brilliant, *Cazenovia.* Noticed at *Union-Hall.* Very brilliant, *St. Lawrence.* Noticed at *Pompey, Johnstown, Lowville, North-Salem.* Very bright, *Erasmus Hall.*  
February 7, at *Clinton, Utica, St. Lawrence, Pompey, Johnstown, Lowville, North-Salem.*  
February 14, at *Utica, Lowville.*  
March 1, at *Utica, Pompey, Lowville.*  
March 2, at *North-Salem.*  
March 3, faint, *Fredonia.*  
March 5, at *Lewiston, Utica, Pompey, Lowville.*  
March 6, at *North-Salem.*  
March 7, at *Utica.*  
March 8, at *Clinton, Cazenovia.* Very brilliant between 8 and 9 P. M. *Utica.* Lively, *Lowville.*  
March 9, at *Clinton, Lowville.*  
March 10, at *Clinton, Lowville.*  
March 11, at *Lewiston, Lowville.*  
March 12, faint, *St. Lawrence, Lowville.*  
March 13, at *Lewiston.*  
March 16, at *Utica, St. Lawrence, Lowville.*  
March 18, this evening very bright, *Fairfield.*  
March 20, at *Utica.*  
April 1, very brilliant, *Utica, Pompey, Lowville.* Faint half past 8 P. M. at 10 low auroral arch, at half past 10, shot up into brilliant columns, which appeared to move to the east, *Albany.*

April 2, at *Franklin, Utica, St. Lawrence.*

April 18, beautiful, *Union-Hall.*

April 19, very brilliant, *Gouverneur.* Uncommonly brilliant, extending higher and farther to the south than any one before observed, *Lewiston.* Very brilliant, *Oxford, Mount-Pleasant.* Coruscations in almost every part of the visible horizon, *Middlebury.* Uncommonly splendid, *Dutchess.* Soon after 8 o'clock this evening the aurora borealis attracted particular attention. Streams of light uncommonly brilliant were shooting up in the direction of N. E. by N. and N. W. by N. forming in a few minutes a beautiful arch like a well defined rainbow; its ends resting in the horizon, and its vertex being in the magnetic meridian, elevated about 50 degrees. It gradually arose, passed the zenith, and retaining its brightness, descended into the south within 25 degrees of the horizon; its ends still resting in the eastern and western horizon. This arch was soon succeeded by others, broader and fainter, which rose and descended in succession, and all contributed to give the face of the heavens a beautifully illuminated appearance. As these arches began to disappear, the space between their bases in the north was so strongly lighted as to give objects a well defined shadow. At 9, streams of light, of purple, yellow green and other colors, more intense than had yet been observed, were rising where the eastern end of the arches had stood, and exhibiting rapid horizontal motions, passing and repassing like a company of dancers. The phenomenon was particularly remarkable for its greater brilliance and its greater extent over the heavens than any which have been before observed in this place. The observer had no means of marking its effects upon the magnetic needle or upon an electrometer. Before 10, a dark cloud rose in the north and extending over the heavens, rendered the aurora invisible, *Utica.* At about 11 P. M. nearly one-half of the concave surface of the heavens was illuminated, at one time for the space of about three minutes, streaks of light from almost every point of the compass, north of east and west arose nearly at the same instant, tended towards the zenith, where they intersected each other, forming a large number of spherical triangles, *Franklin.* Seen at *Lansingburgh.* Brilliant: It commenced about half-past 8 P. M. in the west and northwest, shooting in spangles towards the zenith, very much like the process of crystallization under the influence of the solar microscope. These spangles were constantly fading and new ones shooting up in different lines, exhibiting at times most of the colors of the rainbow. About half-past nine, similar appearances were seen in the east and southeast,

meeting those first mentioned at the centre above and forming an illuminated dome of spars and spangles, the most brilliant and beautiful ever beheld, *Hudson*. It illuminated nearly the whole heavens, a number of bows commencing in the northwest passed south of the zenith and terminated in the northeast. The sky was very cloudy, *Fairfield*. Splendid: A nucleus about in the zenith moving to the south, with bright rays in every direction at about 8½ P. M. *Hartwick*. Uncommonly beautiful, streaks of light descended at intervals from the horizon to the zenith, *Kinderhook*. Unusual and extremely brilliant, the rays appeared to shoot up to the zenith, covering completely one-half of the horizon, *North-Salem*. Extending towards the east with a luminous arch, *Erasmus Hall*. Brilliant: First observed about 9 P. M. in the south in the form of an arch 9° broad and about 20° above the south part of the horizon. At 45 minutes past 9 the clouds passed from the north, columns were observed shooting up to the zenith from the whole northern hemisphere, *Albany*.\*

April 20, extraordinary: At 9 P. M. the currents of light almost filled the visible heavens, and there was a remarkable convergency to the zenith as a centre; the light was spread from the eastern to the western horizon, and what was very remarkable the southern horizon was filled with a dusky segment having a faintly illuminated arch of about 60°, *Lowville, Johnstown*.

April 30, at *Lewiston*.

May 7, at *Lewiston*.

May 15, at 11 P. M. *Utica*.

June 2, at *Middlebury*.

June 7, at *North-Salem*.

June 10, seen at *Utica*. About 10 P. M. a dark cloud was observed in the north, from which flashes of heat lightning were seen to proceed; about this cloud, a slight tinge of auroral light was observed; at 11 the aurora became brilliant, shooting up into columns. There had been a strong south wind at 7 P. M. for a short time, *Albany*.

June 11, at *St. Lawrence, Erasmus-Hall*.

June 16, at half past 10 in columns suddenly shooting up, *Albany*.

June 17, aurora faint 11 P. M. *Albany*.

June 21. Splendid. Commenced at 10 P. M. and continued for some hours, *Ithaca*. Noticed at *Utica, Johnstown*. About 10 P. M. appeared like a light cloud in the north, 10° high. At half past 10, it shot up into brilliant striated prismatic columns, which moved from west to east, presenting in their motion a position parallel to themselves. In one or two instances, a sudden and rapid motion was observed in the opposite

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\* For a particular account of this aurora and a disturbance of the magnetic needle in connexion with it, see Mr. Henry's paper in the appendix.

direction, towards the west. The wind was from the west, and a sudden reduction had taken place in the temperature of the atmosphere two hours previous. The auroras this year appear to be accompanied by a reduction of temperature, and by considerable wind a few hours previous. At 11 P. M. the aurora had disappeared, and the clouds seemed to be blown in long rows from a point of the horizon nearly corresponding with the centre of the aurora. *Albany.*

July 1, at half past 10 P. M. *Canajoharie.* Faintly visible at 11 P. M. *Cazenovia.* Noticed at *Utica.*

July 2, faintly visible : *Cazenovia, Utica.*

July 3, very brilliant, *Cherry-Valley.* Brilliant at half past 10 P. M. *Cazenovia.* Very brilliant, *Kingston.* Noticed at *Utica.* At 9 P. M. noticed a faint light in the north, which appeared like an aurora : at 10 shot up into columns about  $20^{\circ}$  high. These appeared to move slowly, in some cases, to the east. The motion, however, was not as rapid as that of the 21st of June. At 11, a distinct arch of short parallel beams, like the palings of a fence, was formed. These were all about the same length, and remained nearly stationary for about half an hour. Their lower extremities formed a regular arch, the highest point of which was about  $15^{\circ}$  above the north point of the horizon ; the beams occasionally shot up a little towards the zenith, but their lower extremities remained perfectly stationary, on the extrados of the arch. At 40 minutes past 11, the parallel bars or beams disappeared, and the aurora appeared like a uniform diffused light. There was a gentle wind from the east. *Albany.*

July 4. *Utica, Johnstown.* Very brilliant, *Erasmus Hall.* At 9 P. M. observed a diffused light. At 10 much more brilliant, with some appearance of beams shooting up nearly to the zenith, or more than  $70^{\circ}$ . The northern part of the heavens was covered with dark clouds, through which the aurora was visible in spots. The aurora appeared very brilliant, but in diffused light, with beams not well defined. At 20 minutes past 10 very brilliant, in the forms of columns, extending around the northern hemisphere to the eastern and western points of the horizon. At 1 o'clock it assumed the form of a broad arch, about  $15^{\circ}$  above the north point of the horizon, with its extremities in the east and west nearly. *Albany.*

July 5. Cloudy in the north. At half past 9 the auroral light shone through the clouds. 10 P. M. the aurora obscured by the clouds, except a faint light near the edge of the horizon. *Albany.*

July 6. *Utica, Pompey.*

July 8. *Utica.*

July 9. *Cazenovia.*

July 10. *Utica, Johnstown.*

July 12. *Lewiston.*

July 31. At about 10 P. M. a streak of light was seen extending in a direct line, east and west, through the whole extent of the heavens. When first observed, it was in the zenith. It moved south in a line parallel to itself, about 20°, and then gradually disappeared. No other northern lights were observable at the time. *Johnstown.*

August 6. Faintly visible N. W. at half past 9 P. M. *Cazenovia.*  
Noticed at *Utica, Pompey.*

September 9. *Lewiston.*

October 23. *Canajoharie.*

October 29. Auroral arch from northeast to northwest, *Hartwick.*  
In an arc spanning the northern quadrant of the horizon, *Cazenovia.* Noticed at *Utica.* Very bright, *St. Lawrence.* Noticed at *Pompey, Johnstown, Kingston.* Bright, the illuminated region very extensive, *Lowville, Erasmus Hall, Lansingburgh.* Bright arches like a rainbow, *Canajoharie.*

December 9. Brilliant, *St. Lawrence.*

### ZODIACAL LIGHT.

The following is extracted from a New-Haven (Connecticut) newspaper.

The appearance denominated by astronomers zodiacal light, has been exhibited for a few evenings past with uncommon distinctness. On Sunday evening, Feb. 6, it was accompanied by the aurora borealis, to which in some respects it bore a striking resemblance, and was almost as brilliant, although it is usually much fainter. It is seen in the west, immediately following the twilight, from half past 6 to 7 o'clock. It consists of a luminous cone of light, with its base resting on the horizon, and its vertex terminating near the head of the Whale, not far from the present position of the planet Mars. It extends, therefore, in the region of the zodiac, sixty or seventy degrees from the sun, which is longer than its usual dimensions in so high a latitude, although it has been observed to be much longer in the torrid zone.

It is nearly two hundred years since the phenomena first attracted the attention of astronomers, and it is said to have been first accurately described by Cassini, an Italian astronomer, in 1683. It appears usually at this season of the year, or a little later, or near the autumnal equinox, at which periods the ecliptic is most inclined, or the nearest to being perpendicular to the horizon. Hence, it is evidently connected with the light of the sun, and some astronomers have supposed it to be an extreme portion of the sun's atmosphere, which they conceive to extend quite to the earth. But La Place has shown that, on the supposition that the sun has an atmosphere, it cannot extend so far as the planet Mercury, and must of course fall much short of reaching the earth, and we are at present destitute of any rational or satisfactory explanation of this phenomena.



## HALOES, &amp;c.

- January 11.** The following is copied from Silliman's Journal.  
*Notice of a halo*; by J. W. Tyler, acting Principal and Lecturer on Natural Sciences in the seminary of "Oneida Conference, Cazenovia, N. Y."
- A rare and curious phenomenon was observed at this place (Lat.  $42^{\circ} 55'$ ) on the 11th of January last. The weather had been mild for a number of days previous, and on that day the thermometer ranged from  $23^{\circ}$  to  $30^{\circ}$ . The atmosphere was so hazy that a shadow was but faintly visible, the haziness being most dense near the south horizon, but growing rarer and finally disappearing a little north of the zenith. The phenomenon was observed at about 8 o'clock 45 min., morning. The azimuth of the sun was about  $45^{\circ} 20'$  southeast, and altitude about  $11^{\circ} 16'$ .
- The first appearance was a brilliant parheliion, about  $25^{\circ}$  west of the sun, and at about the same altitude. Its form at first was nearly circular, and its apparent diameter a little greater than that of the true sun. Its light, which was of a brilliant white, was so intense as to pain the eyes. In a few moments another parheliion of equal brightness appeared at the same distance, on the east side of the sun, and at the same altitude. When first seen, it appeared a little elongated vertically, and slightly colored. Both these parhelia retained their size and appearance for a few moments, and then began to lengthen in a vertical direction, and to show the prismatic colors with considerable brilliancy. Their greatest length in a vertical direction was about  $10^{\circ}$ , and the resemblance between them complete.
- Directly above the sun appeared, at the same time with the parhelia, a colored arc, containing  $45^{\circ}$  or  $50^{\circ}$  of a circle, described to a radius of about  $25^{\circ}$ , having its centre in the zenith, and its convexity towards the sun. The exterior of the arc was red, and this was the only color that was distinctly defined. The other colors were merged into each other, but the blue and green appeared predominant though faint. The arc was seen for nearly a quarter of an hour, and then disappeared but an instant before the parhelia.
- During the succeeding night and day there was a heavy fall of snow, and the thermometer fell to 0. During the succeeding week, the mean temperature was  $4.97^{\circ}$ , the highest being  $15^{\circ}$ , and the lowest  $-11^{\circ}$ ; affording, in my view, a confirmation of the theory of haloes, parhelia, &c. given in the Library of Useful Knowledge, No. 19. *Cazenovia.*
- January 24.** P. M. Two haloes appeared, one probably formed by reflection. They exhibited the colours of the

rainbow, with their most brilliant shades. Mr. Edward G. Mead, *North-Salem*.

January 25. Halo round the sun. The image of the sun appeared a little distance below, which gradually approached, and at length pervaded its disc, assuming a dark hue. It ascended and disappeared at some distance from the sun above. *Kingston*.

February 11. Halo round the sun, *Cazenovia*.

February 15. Halo round the sun, *Pompey*.

February 19. Circle round the moon, *Union Hall*.

February 21. Bright halo round the moon, *Utica*.

March 6. Halo round the sun, *Cazenovia*.

March 12. Circle round the sun at midday, *Union Hall*.

March 21. Halo round the moon, *Lewiston*.

March 23. Lunar halo, *Pompey*.

March 25. Circle round the moon, *Union Hall*.

March 28. A large circle round the moon, *Kinderhook*. Lunar halo, *Pompey*.

May 6. Halo round the sun, *Franklin*.

May 12. Two bright parhelia on each side of the sun at 6 A. M. *Cazenovia*.

May 18. Circle round the moon, *Johnstown*. Lunar halo, with a little rain in the evening, *Cazenovia*.

May 23. A large circle round the moon, *Kinderhook*.

June 7. Halo round the moon, *Lewiston*.

July 22. Halo round the moon, *Utica*.

August 5. Halo south of the sun, *Fredonia*.

August 10. Twilight at evening presents an unusually brilliant and diversified appearance. Continued through several evenings, *Utica*.

## ECLIPSE OF THE SUN, FEBRUARY 12, 1831.

*Reduction of the Thermometer during the eclipse.*

### ALBANY.

| <i>At the Academy.</i> |      |              | <i>At Dr. Ten Eyck's, N. M. St.</i> |      |              |
|------------------------|------|--------------|-------------------------------------|------|--------------|
| Hours.                 | min. | Thermometer. | Hours.                              | min. | Thermometer. |
| 11                     | 29   | ..... 30     | 8                                   | 30   | ..... 15     |
| 11                     | 45   | ..... 30     | 9                                   |      | ..... 17     |
| 12                     |      | ..... 29     | 10                                  |      | ..... 25     |
| 12                     | 30   | ..... 27     | 11                                  |      | ..... 27½    |
| 12                     | 40   | ..... 26     | 12                                  |      | ..... 27     |
| 1                      |      | ..... 25     | 12                                  | 30   | ..... 25     |
| 1                      | 15   | ..... 24     | 1                                   |      | ..... 25     |
| 1                      | 40   | ..... 26     | 1                                   | 15   | ..... 23½    |
| 2                      |      | ..... 27     | 2                                   |      | ..... 25     |
| 2                      | 20   | ..... 28     | 3                                   |      | ..... 26     |
| 3                      |      | ..... 30     | 4                                   |      | ..... 25     |
|                        |      |              | 5                                   |      | ..... 22     |
|                        |      |              | 6                                   | 45   | ..... 20½    |
|                        |      |              | 11                                  |      | ..... 18     |

## • NEW-YORK. •

Two Thermometers were placed, one in the shade, and the other in the sun.

|                       | <i>That in the sun.</i> | <i>That in the shade.</i> |
|-----------------------|-------------------------|---------------------------|
| At half past 11,..... | 55                      | 30                        |
| Meridian, .....       | 53½                     | 29                        |
| Half past 12,.....    | 43                      | 28½                       |
| One o'clock,.....     | 35                      | 28                        |
| Half past 1,.....     | 33                      | 27½                       |
| Two o'clock,.....     | 32                      | 27½                       |

| JOHNSTOWN. |      |          |     |
|------------|------|----------|-----|
| Hours.     | min. | Degrees. |     |
| 11         | 24   | .....    | 26  |
| 11         | 33   | .....    | 25½ |
| 11         | 45   | .....    | 25  |
| 12         | 2    | .....    | 24½ |
| 12         | 6    | .....    | 23  |
| 12         | 24   | .....    | 22½ |
| 12         | 35   | .....    | 22  |
| 12         | 49   | .....    | 21½ |
| 12         | 56   | .....    | 21  |
| 1          |      | .....    | 20½ |
| 1          | 25   | .....    | 21  |
| 1          | 30   | .....    | 22  |
| 1          | 35   | .....    | 22½ |
| 1          | 47   | .....    | 23  |
| 2          | 10   | .....    | 22½ |
| 3          |      | .....    | 25  |

| LOWVILLE. |      |          |     |
|-----------|------|----------|-----|
| Hours.    | min. | Degrees. |     |
| 12        | 15   | .....    | 17  |
| 12        | 45   | .....    | 16  |
| 1         |      | .....    | 14½ |
| 1         | 15   | .....    | 13½ |
| 1         | 30   | .....    | 15  |
| 1         | 45   | .....    | 16  |
| 2         | 15   | .....    | 17  |

## MONROE.

| <i>February 12.</i> | <i>Degrees.</i> |
|---------------------|-----------------|
| 10 A. M. ....       | 22              |
| 11 .....            | 23              |
| 11 30, .....        | 25              |
| 11 45, .....        | 23              |
| 12 .....            | 20              |
| 12 15, .....        | 19              |
| 12 30, .....        | 18½             |
| 12 45, .....        | 18              |
| 1 .....             | 19              |
| 1 15, .....         | 20              |
| 3 .....             | 26              |

The eclipse was seen for the space of 1½ minutes, at 45 minutes past 11.

The progress of the eclipse was distinctly seen, although the disc of the sun was partially obscured during the greater part of the time of its duration. The clouds at intervals breaking away, presented the body of the sun without injury to the eye. At 2 o'clock the clouds dispersed, and gave a fine view of the latter part of the eclipse. The mercury began to descend at half past 11, and fell

from 31 to 22 degrees, (9 degrees). It began to rise again at about 20 minutes before 2 o'clock, and rose to 29°. *Kinderhook*.

The mercury fell 4 degrees during the eclipse, *Oxford*. 4½ at *Union*. Not a very sensible diminution of temperature indicated by the thermometer, *Kingston*. Thermometer fell from 30° to 26° during the obscuration, *Union Hall*. At 15 minutes past 11 stood at 29°, fell gradually until 12, then stood at 24°. About 1 o'clock began to rise, and at 2 P. M. stood at 26°, *Montgomery*. The thermometer fell 6° during the eclipse, *Utica*. During the eclipse the thermometer fell 8°, and then rose two, *Cazenovia*.

### OCCULTATION OF JUPITER.

December 9. Weather clear, *Canajoharie*. Commenced 6h. 20m. and continued to 7h. 50m. the whole time of obscuration 1h. and 30m.: The evening remarkably clear: The appearance splendid: The apparent descent of the star behind the moon from the southeast to the northwest, *Ithaca*. Beautiful: A light cloud which hovered about the moon and threatened to deprive us of the spectacle, disappeared about 5 minutes before the occultation took place: The planet disappeared behind the dark side of the moon and emerged on the opposite side, *Kinderhook*.

### METEORS, &c. &c.

- January 13, 14, 15. A star appeared, called by some a blazing star, by others a comet, noticed between 5 and 7 A. M. *St. Lawrence*.
- January 19. A comet to be seen very distinctly. I have no instruments to ascertain its position, but to the eye it appears like a fixed star; its trail extends over 5°; its position about east by 30° south, about 40° above the horizon, *Montgomery*.
- May 11. A brilliant meteor at 9 P. M.; course from southeast to northwest, *Lewiston*.
- September 29. Meteor visible at 8 P. M.: Two luminous balls with fiery tails were seen passing very rapidly after each other from southwest to northeast: Their height was apparently more than 200 or 300 feet from the ground, but they were so soon out of sight, as not to afford time for any accurate judgment of their altitude, *Pompey*.
- February 26. Spots on the sun, *Cazenovia*.
- June 1. Six spots visible on the sun's disc, *Cazenovia*.
- August 1. Large spots on the south west limb of the sun, visible to the naked eye, *Cazenovia*.
- August 14. Spots on the sun seen, *North-Salem*.
- August 15. Spot seen on the sun. Dry weather, yet a rainbow seen this day distinctly at 5 P. M. *Monroe*.
- August 4. At 5 P. M. the sun perfectly visible, but of a pale violet hue, capable of being contemplated by the naked eye, the atmosphere dense and pestiferous, *Canajoharie*.

## WEATHER.

- January 14. A violent snow-storm occurred, which appears to have extended over a large portion of the United States. From the newspapers, it seems to have commenced at New-York, wind northeast, at 12 o'clock at night of the 11th, Friday; at Boston at sunrise of the 12th; at Petersburg in Virginia, just before day of the 11th. The snow fell at this last place for 50 hours, and on a level was about 8 inches. At Philadelphia the storm commenced on Friday noon, the 11th. At Norfolk there was snow on the 14th. In Albany there was a snow storm on the 14th and 15th. The quantity melted in the rain gage was 0.79, *Albany*.
- January 15. A more terrible snow storm has not visited this place since the great christmas storm a number of years ago. The wind blew violently from the northeast; every flake of snow appeared to be carried off in an horizontal direction by the violence of the wind, *North-Salem*. Nearly all the academies report that there was snow on the 15th of January.
- January 21. The thermometer at 7 o'clock A. M. stood at 18 degrees below zero at the Albany Nursery; at J. Bryan's, South Pearl-street, —18; at R. M. Meigs' store, South Market-street, —16; at the Fort Orange Hotel, —14; and at C. Benjamin's, State-street, opposite the Capitol, —13. (*Albany Argus*.) At the Academy, thermometer stood at 10 degrees below zero, *Albany*.
- January 31. Depth of snow in the woods, 28 inches, *Montgomery*.
- February 11. The snow is now four feet on a level in the woods, *Lowville*.
- February. During this month snow fell to the amount of 28 inches, *Middlebury*.

*January and February, 1831. Amount of snow fallen.*

|                  |                  |
|------------------|------------------|
| January 9,.....  | 2 inches         |
| 11,.....         | $\frac{1}{2}$ "  |
| 16,.....         | $1\frac{1}{2}$ " |
| 20,.....         | 8 "              |
| 22,.....         | 3 "              |
| February 1,..... | 12 "             |
| 3,.....          | 3 "              |

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30 inches, *Monroe*.

- March 31. Heavy shower about 6 P. M., passed mostly north, accompanied with heavy thunder and very sharp lightning. A beautiful *rainbow* in the east about 25 minutes past 6, although the sun was below the apparent horizon, *Ithaca*.
- April 9. A snow storm, attended with a northeast wind, so violent as to unroof buildings in several instances, *Franklin*.
- May 1. The lower strata of clouds have been for some days moving with the northwest wind, whilst the upper strata have

moved in the opposite direction, *Cazenovia*. September 23, the same observed, *Cazenovia*.

**May 9.** Plums and peaches killed, and apples injured by the frost, *Cayuga*. In nearly every academy except those in the southeastern part of the State, the thermometer stood below 32° on this day. In several places there was a storm of snow.

**June 11.** Violent hurricane in the northern part of this State. The following is an extract from the "Plattsburgh Republican," newspaper of June 18.

*Wind, Rain, Hail, &c.*—On Saturday last, this county was visited by a most violent hurricane. It did considerable damage to property, but we have not heard of the loss of any human lives, although there were many hair breadth escapes. In Mooers-town, hail fell in quantities beyond all computation. In this town several sheep and cattle were killed by lightning. The following letter from a gentleman in Peru may be relied upon as being a correct account of the damages sustained in that town.

*Peru Village, June 14.*

*Tremendous Tornado.*—On Saturday last, about 4 P. M. this town was visited with the most terrific storm of about 50 minutes duration, that has occurred within the memory of our oldest inhabitants. It came from the north, attended with what was then thought one of the severest gusts of wind experienced for many years, filling the air with such clouds of dust, that objects were not discernable across our streets. In an instant a deluge of rain succeeded, with heavy peals of thunder, and vivid flashes of lightning; after continuing in that direction about fifteen minutes, and as was generally thought spending its greatest fury, the wind suddenly shifted to the west, then it seemed as though the fountains of the great deep were breaking up, and that every thing was verging to original chaos. The wind redoubled its former power, and the rain fell in such quantities that the *thunder* could scarcely be heard; while almost constant brilliant flashes of lightning assured us that it was performing its part in this awful grand scene of nature. The windows and roofs of our houses seemed no defence against the searching elements, and almost every room was flooded. From the west it shifted into the east where it continued till it ceased. The little Au Sable river, which at the commencement of the hurricane, was at low summer level, at its termination was as high as ever known, except last July; and the stream on which J. Everett's tannery is situated, was probably three times as large as in that great freshet; M. N. Hewitt, had his house and barn struck with

lightning, four or five of his family knocked down and severely stunned, and a pair of oxen killed at his door. Mr. George Irish's barn was struck and badly injured. Mr. Oliver Keese had two barns blown down, and two men severely injured who had taken shelter there; part of Mr. Joseph Benson's house was blown down, the other part blown off the cellar walls, but no one injured. It would be almost an endless task to detail all the injury done; suffice it to say, that the damage done to fences, wood lots, orchards, roads, &c. is immense, and quite a number of cattle was killed by the falling of trees.

- June 11. A few very loud claps of thunder, accompanied with vivid flashes of lightning; heavy rain mingled with hail as large as a hazle-nut. About 7 o'clock, a full rainbow in the southeast, very transient, *Ithaca*.
- June 18. A thunder shower of unusual violence occurred this afternoon. It lasted about  $\frac{3}{4}$  of an hour. A number of houses in the vicinity were struck, and one burnt, *Johnstown*.
- June 24, 25. Severe frost at night, so as to injure gardens and corn in many places, *Gouverneur*.
- July 5. Three thunder showers this afternoon, *Albany*.
- July 9. Two thunder showers this afternoon, one probably two miles in advance of the other, *Albany*.
- July 20. Tornado, *Cayuga*.
- July 27. From sunrise to 11 P. M. 2.14 inches of rain fell, *North-Salem*.
- July 30. It is credibly reported that the rain fell 8 inches at least, at Dunkirk, three miles north of Fredonia, as measured in vessels of uniform dimensions. Such a storm was here never before witnessed; (3.60 inches rain gage,) *Fredonia*. A severe hail storm this afternoon. The hail stones measured four inches in circumference. One mile north, many were found six inches in circumference, *Cortland*. Tremendous wind from the southwest, with rain and hail. One of the hail stones measured three inches in circumference, *Ithaca*.
- August 26. Tremendous storm with thunder and lightning. The Academy was struck, but not materially injured, *Mount-Pleasant*.
- November 18. Thunder and lightning, *Mount-Pleasant*.
- November 21. In the *afternoon* of this day the papers state that a tornado passed over Fayetteville, in North-Carolina, in a westerly direction, *Albany*.
- November 21. A violent gale of wind occurred this evening, and continued during the next day. Its effects were severe in Montreal. The waters of the St. Lawrence rose to a greater height than they had been known to do for many years. Similar effect at Portland, (Me.)

Baltimore and Washington. The following are accounts of its violence at the latter place and in Virginia.

*The Weather.*—Winter has set in upon us early and suddenly; we had almost written it prematurely. The first intimation of his presence was the appearance of ice on Sunday morning (20th.) On the night of the next day (21st) at 7 o'clock, began a severe storm of wind and snow, and at day light yesterday, the whole country was covered an inch or two deep with snow. Such a thing has not occurred before, we believe, in this part of the country, so early in the season, for 24 years. *Nat. Int.*

*The Thunder Storm.*—The Richmond Compiler thus notices the late thunder storm, which seems to have reached as far south as Virginia:—"Last evening immediately after sunset, while the air was very cool, and closed doors and comfortable fires indicated the approach of winter; we were somewhat startled with a brilliant flash of lightning. In a few moments a storm came up of rain and vivid lightning and rattling thunder. The storm continued nearly half an hour; the lightning was of the most vivid summer-like description, and the thunder was very near, sometimes scarcely two seconds intervening between the flash and the thunder."

At Boston there was a violent gale, with thunder and hail; the wind from the east. At Albany the wind was high from the south and southwest, *Albany*, November 21. In the evening happened a terrible thunder storm, attended with rain, snow and hail. The lightning was brilliant, and the peals of thunder dreadful. The Presbyterian meeting-house at Somers, a village five miles distant, was struck, *North-Salem*.

December 11. Three flashes of lightning noticed about half past 7 P. M. *Albany*.

December, 1831. Much snow has fallen in almost every place reporting during this month. The great diminution of temperature will be seen by examining the table comparing December, 1830, and December, 1831.

December, 1831. The winter commenced this year by the ground being covered with snow to a considerable depth, but not frozen. The same snow has continued through December, and the ground is still not frozen, *Utica*. This year has been remarkable for a greater prevalence of south and southerly winds than has before been observed, *Utica*.

#### HUDSON RIVER.

River closed January 15; opened March 13, *Lansingburgh*. Closed December 2, *Lansingburgh*. Closed December 18, *Poughkeep*.



*sic.* River opened March 12; December 1, closed, *Hudson*. River closed January 12; March 13, river free of ice; December 3, river closed between Albany and Troy; December 5, river closed, *Albany*. First steam-boat, March 15, *Hudson*. First steam-boat, March 16, *Albany*.

#### CHENANGO RIVER.

March 4. Chenango river broken up with a freshet, *Oxford*.

#### MOHAWK RIVER.

March 4. River with full banks: The flats covered with water.  
March 6. River clear of ice, *Utica*.

#### CAZENOVIA LAKE.

April 3. Ice out of the lake, *Cazenovia*.

#### ERIE CANAL.

April 13. Canal navigation began for the season, *Utica*.  
December 28. Canal closed by ice for the season, *Utica*.

#### LAKE ERIE.

April 20. Steam-boat arrived at Dunkirk from Detroit, the ice being driven down about fifteen miles below Dunkirk, and there wedged in, *Fredonia*.  
May 9. Steam-boat entered Dunkirk from Buffalo, making its way through the ice, which was broken up by the recent north winds, *Fredonia*.

#### LONG ISLAND SOUND.

February 10. A gentleman residing at Throg's Neck, Westchester, has obligingly given us the following information. He states that the ice is solid, and several feet thick, across the Sound to Long Island, and that loaded carts in great numbers pass and repass from the main land to the island, at all places from Throg's Neck to Whitestone, towards New-York; the ice appears solid for several miles, occasionally open places are seen. To the eastward the ice about a week ago was so firm, that foot passengers passed from Sands' Point to Throg's Neck Light; since that period the ice has become more broken. There is but one vessel frozen in, which is a packet bound to Boston. Our informant states that the Sound has not been entirely frozen over, until at the present time, for seven years. Occasionally floating ice has lodged and prevented the passage for a day or two, but that steam-boats had passed and repassed every week. He considers the ice more firm than it has been for the last thirty years,

and at present there is not the least prospect of the Sound being navigable for some time.—[*From a New-York newspaper.*

### TEMPERATURE OF WELLS.

January 19. The thermometer suspended fifteen feet below the surface of a well, stood at  $46^{\circ}$ , *Fredonia*.

### VARIATION OF THE NEEDLE.

May 5. 9 A. M.  $6^{\circ} 25'$  West.

November 5. Observed with the same apparatus as heretofore, 3 P. M. variation  $6^{\circ} 40'$  West. *Albany.*

*Cayuga Academy* is in the village of Aurora. The village is on the east bank of Cayuga lake. The lake is about four and a half miles wide at this place. It has never been known to freeze across in this part. The winds very commonly blow up or down the lake. Gardens are usually about two weeks earlier here than three miles back, and autumn frosts are always later, *Cayuga*.

*North-Salem Academy*, on the north bank of the River Fitchius, about 20 miles from Peekskill, about 170 feet above the level of the sea. *North-Salem*.

*Franklin Academy* is elevated above the Crooked lake 776 feet. This elevation was taken by one of the trustees. *Franklin*.

*Redhook Academy*. Means are providing for taking its height. It is situated in the village of Upper Redhook on the post road from New-York to Albany, about four miles in a direct line from the river. The surface of the ground for a great portion of the distance is uneven. *Redhook*.

The following is taken from a newspaper :

*"Atmospherical Phenomena in Europe.*—We learn from a London paper, that in the two first weeks of August, remarkable appearances were repeatedly presented in the sky in different parts of the middle and south of Europe.

At Madrid between the 4th and 8th of August, an extraordinary brightness appeared in the west after sunset, which enabled persons to read in the street, yet the evenings were very cold, and some times cloudy. Different accounts from Berlin, Geneva, Rome, and Odessa, in general, concur in similar representations. A letter from Odessa says :—

Contrary to all precedent, we have had nothing but continued rains ever since the winter, and up to the middle of July. Dry weather then came on and lasted until the 7th of August; but, during this interval, every night brought with it an unusual vivid brightness in the sky, apparently rising from the northwest; it was so in-

tense as to occasion many whimsical blunders against time and punctuality. On the night of the 4th, indeed, it was so brilliant, and lasted so long, that you could read the smallest print at midnight. The rain renewed its visit on the 8th; the next day, the sky was overcast, and the sun was shrouded with a scarcely perceptible vapour, which stripped it of its rays, and gave it an appearance precisely similar to the moon, only that it had a tint approaching to violet. For some moments a large black spot was observed in its centre, and here and there, vertical shadowings, which seemed to chase one another across its surface. This phenomenon lasted during the whole of the afternoon, and the sun took leave of us without having once given token of his accustomed splendor. A resident at Madrid, likewise mentions that between the 4th and 8th of August, and after sunset, so extraordinary a degree of brightness rose from the west, as to enable men to read in the streets; nor did this luminous appearance seem at all affected by the clouded state of the heavens. The evenings, he adds, were pinchingly cold."

A similar phenomenon was observed in several parts of the United States. At Albany, from the 12th of August, until the end of the month, every evening after sunset, the western sky appeared tinged of a deep red color. On one afternoon, some time between the 12th and 17th of the month, the sun presented an extraordinary appearance. His whole disc was pale and silvery like the full moon, and slightly tinged with green. The light was so diminished, that the eye could rest upon the sun for an indefinite time without the least pain. The same appearance is mentioned as having been seen on the 13th at Mobile in Alabama, and also in the Atlantic ocean 1,000 miles east of New-York on the 14th. It was seen in the south of France on the 20th.

*Albany.*

# CATALOGUE OF PLANTS GROWING IN THE VICINITY OF NORTH-SALEM ACADEMY.

(Continued from last year's Report.)

Arundo phragmites,  
Atriplex hortensis, c.  
Alopecurus geniculatus, n.  
Ranunculus, sp. nov. ? 23.  
Scleria triglomerata,  
Vicia pusilla, 1.  
Epigea repens,  
Cardamine virginica,  
Polygala senega,  
                  vulgaris,  
Viburnum prunifolium,  
Thalictrum purpurescens,  
Lathyrus palustris,  
Lemna minor,  
Verbena angustifolia,  
Apocynum hypericifolium,  
Acer striatum,  
Amaranthus pumilus,  
Asclepias verticillata,  
Aira aristata,  
Boehmeria cylindrica,  
Celtis crassifolia,  
Cenchrus tribuloides,  
Cunila mariana,  
Cyperus nuttallii,  
Crypta minima, 4.  
Eleusine indica,

Elymus glaucifolius,  
Galactia glabella,  
Gaura biennis, n.  
Gerardia pedicularia,  
Genista tinctoria, w.  
Hydrocotyle lineata,  
Limosella subulata,  
Lechea racemulosa,  
Polanisia graveolens,  
Ranunculus hirsutus,  
                  bulbosus,  
Sysimbrium nasturtium,  
Stachys sylvatica ?  
Sison integerrimum,  
Scrophularia lanceolata,  
Sicyos angulata,  
Scirpus macrostachyos,  
                  autumnalis,  
Spartina juncea,  
                  glabra,  
                  cynosuroides,  
Thuja occidentalis,  
Tillea simplex,  
Vallisneria spiralis,  
Sida spinosa, 22.  
Myosotis palustris,  
Rumex britannicus.

NOTE.—In last year's Report, Trillium pendulum should be T. cernuum. All except the first six plants above enumerated, grow on the shore of the Hudson, and on the hills adjoining, near the village of Peekskill. (22) Collabergh. (23) Ranunculus: Erect, branched; leaves simple and 3-parted, pubescent, segments cuneate; calyx reflexed, pubescent, shorter than the corol; corol 5-7 petalled, very small; roots large.

S. B. MEAD.



## **PECTIVE PLACES.**

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**RKS.**

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back to the Mohawk.  
250 above the canal at Port-Byron.

ye the surface of the Lake.  
he Susquehannah from those of the Mohawk.

of Long-Island.  
at Herkimer.

uth-east, the highlands of Chautauque are distant 7 miles.

er.

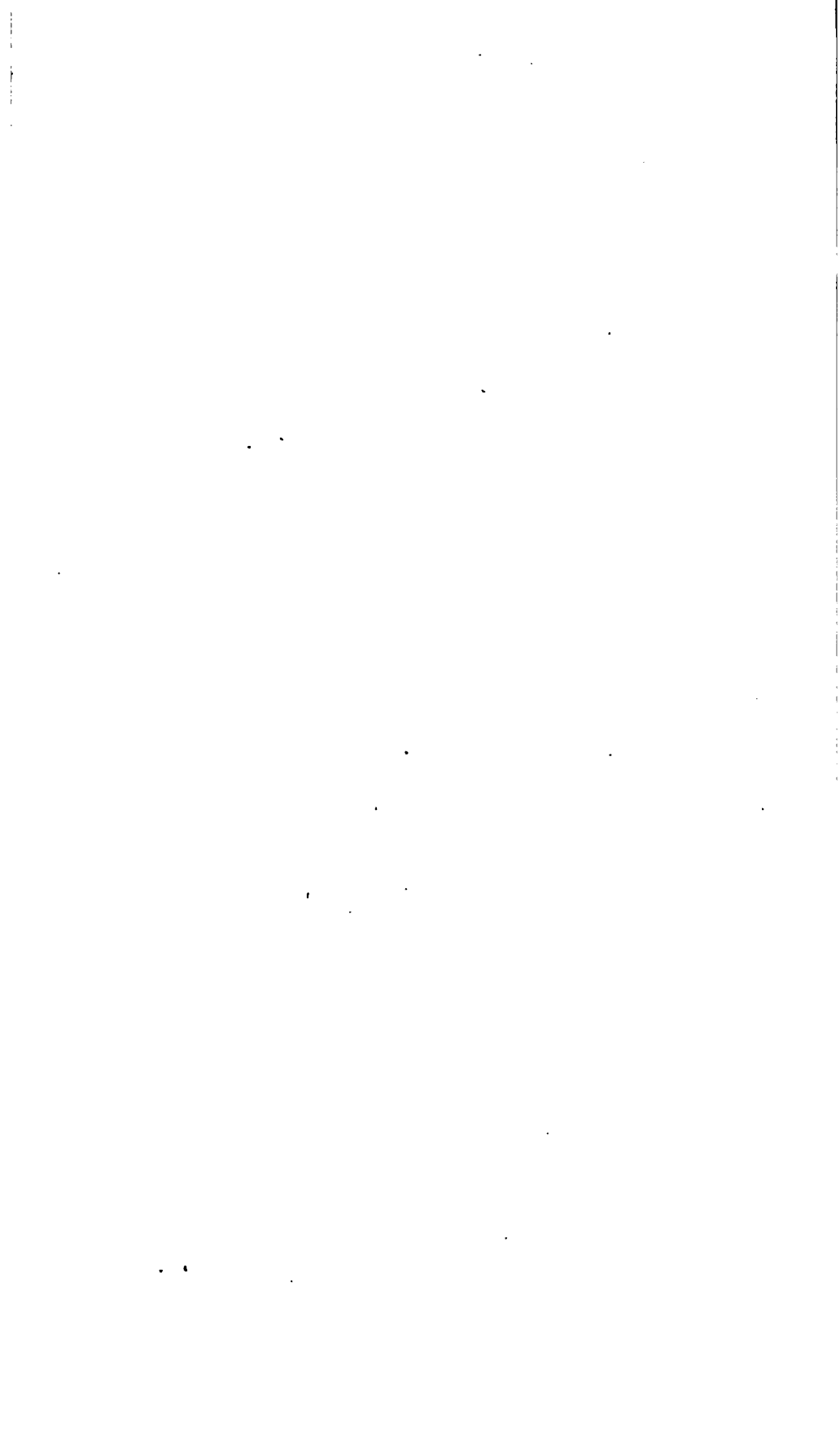
ver.  
200 or 300 feet above the canal at Rochester.

bout 170 feet above the level of the sea.  
f the river.

canal at Salina.

43 feet above the canal.





## APPENDIX.

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*On a disturbance of the Earth's magnetism, in connection with the appearance of an Aurora Borealis, as observed at Albany. April 19th, 1831.*

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By JOSEPH HENRY,

Of the Albany Academy.

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[Communicated to the Albany Institute, January 26, 1832.]

That the aurora has some connexion with the magnetism of the earth, was asserted as early as the middle of the last century ; and since that time, many observations have been recorded, tending to confirm this position. 1. It has been observed, that when the aurora appears near the northern horizon in the form of an arch, the middle of this is not in the direction of the true north, but in that of the magnetic needle at the place of observation ; and that when the arch rises towards the zenith, it constantly crosses the heavens at right angles, not to the true, but to the magnetic meridian. This fact is most obvious where the variation of the needle is great. 2. When the beams of the aurora shoot up so as to pass the zenith, which is sometimes the case, the point of their convergence is in the direction of the prolongation of the dipping needle at the place of observation. 3. It has also been observed, that during the appearance of an active and brilliant aurora, the magnetic needle often becomes restless, varies sometimes several degrees, and does not resume its former position until after several hours.

From the above facts, it has been generally inferred that the aurora is in some way connected with the magnetism of the earth ; and that the simultaneous appearance of the meteor, and the disturbance of the needle, are either related as cause and effect, or as the common result of some more general and unknown cause.



The subject is, however, involved in much obscurity; and there are some facts which tend to throw doubt on the connection of the two phenomena. The accurate and valuable observations of Col. Beaufoy in England, continued for several years, add nothing towards establishing the fact of the magnetic influence of the aurora; and in the scientific expeditions under Capt. Parry, to the north, in the peculiar regions, as it would appear, of this meteor, no unusual disturbance of the needle was observed to accompany the aurora, although the apparatus was visited every hour in the day, and sometimes oftener, when any thing rendered it desirable. Indeed, so far from producing a disturbing effect, Dr. Brewster concludes, from a comparison of the observations, that the aurora, in the arctic regions, seems rather to exercise a sedative influence.\*

On the other hand, Dr. Richardson states, from his own observations, made at Bear Lake, during six successive months of the years 1825-6, and again in 1826-7, that the aurora does influence the magnetic needle. "A careful review of the daily register," says he, "has led me to form the following conclusion: That brilliant and active coruscations cause a deflection of the needle almost invariably, if they appear through a foggy atmosphere, and if prismatic colours are exhibited; on the contrary, when the atmosphere is clear, and the aurora presents a dense steady light of a yellow colour, and without motion, the needle is often unaffected."†

In this state of knowledge, every additional fact becomes of some importance. The following communication, it is therefore hoped, may be useful, either in directing the attention of observers in this country to the subject, or in corroborating similar observations made in other quarters of the globe.

In September, 1830, I commenced a series of observations, for Professor Renwick, of Columbia College, to determine the magnetic intensity at Albany. In the course of these, I unexpectedly witnessed a disturbance of the magnetism of the earth, in connexion with an appearance of an aurora, which on some accounts appears interesting.

The needles used in these observations, were those mentioned in Capt. Sabine's letter to Prof. Renwick, published in the 17th

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\* Edinburgh Philosophical Journal, vol. 8.

† Edinburgh New Philosophical Journal, vol. 5.

volume of the American Journal of Science. One of these, it will be recollected, formerly belonged to Prof. Hansteen of Norway, and the other to Capt. Sabine. They were suspended, according to the method of Hansteen, in a small mahogany box, by a single fibre of raw silk. The box was furnished with a glass cover, and had a graduated arc of ivory on the bottom, to mark the amplitude of the vibrations: It had also two small circular windows, diametrically opposite to each other, through which the oscillations of the needle could be seen.

In using this apparatus, the time of 300 vibrations was noted by a quarter second watch, well regulated to mean time; a register being made at the end of every tenth vibration, and a mean deduced from the whole, taken as the true time of the 300 vibrations. Experiments carefully made with this apparatus, were found susceptible of considerable accuracy; as the individual observations, after a small correction for temperature, give a result, except in a few instances, differing from the mean of a number made under similar circumstances, by a quantity not greater than one part in nearly a thousand.

The observations were repeated daily, when the weather would permit, from the latter part of September to the last of November, either at the hours of 12 at noon, or between 5 and 6 p. m.\* I was always assisted in making them by the same person, my relative, Mr. Stephen Alexander, to whose skill and experience I am much indebted for any accuracy they may possess.

In April, 1831, a new series was commenced, to determine if the needles still indicated the same degree of magnetic intensity. No material difference was observed, except in the following instance, when a remarkable anomaly was exhibited.

On the 19th of April, at 12 o'clock at noon, an observation was made with the Hansteen needle, the result of which differed only the fractional part of a second from the usual mean rate of this needle. At 6 o'clock p. m. the same day, another observation was made with the same needle, and apparently under the same circumstances; but a remarkable change was now observed in the time of its making 300 vibrations, indicating a great increase in the magnetic intensity of the earth. It was at first supposed that the

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\* These times were chosen only on account of being most convenient.

needle had accidentally been placed contiguous to some ferruginous substance ; but on a most careful investigation, nothing could be discovered which would tend in the least degree to explain the cause of the phenomenon. The experiment was made at the usual place, with the box containing the needle resting on a post permanently fixed for the purpose, in the Academy Park, at a sufficient distance from every disturbing object, and with the usual precaution of divesting the person of all articles of iron, such as keys, knives, &c.

At about 9 o'clock in the evening, or three hours after the above observation, an unusual appearance was noticed in the *southern* part of the heavens, which was shortly afterwards recognized as an arch of the aurora. It was about 9 degrees in breadth, with the vertex of the arch 20 degrees above the horizon. At this time the northern part of the sky was covered with light fleecy clouds. At 45 minutes past nine, the clouds partially disappeared, and disclosed the whole northern hemisphere entirely occupied with coruscations of the aurora, shooting up past the zenith, and apparently all converging to the same point. The actual formation of a *corona* might probably have been observed, but for a dark cloud which remained stationary a little south of the zenith. The idea for the first time now occurred to me, that this uncommonly brilliant appearance of the aurora might possibly be connected with the magnetic disturbance observed at 6 o'clock ; and in order to test this, the apparatus was again placed on the post in the Academy Park, and an observation made during the most active appearance of the meteor. The result of the observation was, however, entirely different from that anticipated ; *for instead of still indicating, as at 6 o'clock, an uncommonly high degree of magnetic intensity, it now showed an intensity considerably lower than usual.*

Observations were also made on the 20th and 21st, but no disturbance was again noticed ; the intensity had resumed its former state.

The following table exhibits the observed times of 300 vibrations, with the mean temperature and aspect of the weather during each observation :

| DAY.                    | Time of 300 vibrations. | Mean temperature. | Weather.           |
|-------------------------|-------------------------|-------------------|--------------------|
| April 19th, 12 h. noon. | 980''·75                | 66½°              | Cloudy, rain A. M. |
| " 19th, 6 h. p. m.      | 968''·65                | 61°               | Clear.             |
| " 19th, 10 h. p. m.     | 982''·20                | 52°               | Broken clouds.     |
| " 20th, 6 h. p. m.      | 978''·68                | 51½°              | Clear.             |

The above observations may be reduced approximately to the uniform temperature of 60°, by the formula,

$$T = T' [1 \pm 0.000165(t \mp t)]^*,$$

( $T'$  being time,  $t$  temperature in degrees of Fahrenheit,) which was deduced from experiments on a similar needle. The relative intensities may also be readily calculated, since they are reciprocally as the squares of the times of the vibrations. In this way, by assuming as unity the time observed on the 20th, we have the following results :

| DAY.                    | Time of 300 vibrations at temperature of 60. | Relative intensities. |
|-------------------------|--|-----------------------|
| April 19th, 12 h. noon. | 979''·94                                     | 1·00022               |
| " 19th, 6 h. p. m.      | 968''·49                                     | 1·02401               |
| " 19th, 10 h. p. m.     | 983''·50                                     | 0·99299               |
| " 20th, 6 h. p. m.      | 980''·05                                     | 1·00000               |

From the mean of several observations made with this needle in April, I consider its time of 300 vibrations for this month, and in an undisturbed state of terrestrial magnetic intensity, to be 979 seconds. The accidental errors in the above observations do not probably exceed, in any case, one second.

At the time of registering the above observations, I had not seen the following remark of Prof. Hansteen, which was subsequently met with in the 12th volume of the Edinburgh Philosophical Journal:—"A short time before the aurora borealis appears," says Prof. Hansteen, "the intensity of the magnetism of the earth is apt to rise to an uncommon height; but so soon as the aurora begins, in proportion as its force increases, the intensity of the magnetism of the earth decreases, recovering its former strength by degrees, often not till the end of twenty-four hours."† This state-

\* This formula was obtained by Hansteen.

† I find the same observation has also been made by Humboldt; and also a similar one by Van Swinden, who remarks, that the variation of the needle increases when the aurora borealis is approaching. Journal Royal Institution. Young's Natural Philosophy, vol. 2, p. 442.

ment, founded on observations made in Norway, is a precise description of the phenomenon observed in Albany; and should it be found a general, or even a frequent occurrence, that a great increase of intensity precedes the appearance of the aurora, it would perhaps reconcile many apparent discrepancies in the different accounts of the magnetic influence of the meteor.

Prof. Hansteen also remarks, in the same paper, that "the polar lights seem to be the effect of an uncommonly high magnetic intensity, which lets itself off, as it were, by the aurora, and thus sinks under its common strength." Nothing, however, can with certainty be deduced from these observations, in reference to this supposition; since the magnetic intensity at any place, as exhibited by the vibrations of the horizontal needle, may change while the absolute force or intensity of the whole earth remains the same. If we represent by  $F$  the whole force in the direction of the dipping needle, by  $\delta$  the dip in degrees, and by  $H$  the horizontal force, we shall have, by a well known law,

$$F = \frac{H}{\cos \delta}.$$

In this formula, it is evident that  $F$  may remain constant, although  $H$  is caused to vary by a change in the value of  $\cos \delta$ . The fact, therefore, of a variation in the absolute intensity, can only be determined by combining the observations of the vibrations of the horizontal needle with simultaneous observations on the dipping needle.

If we suppose  $F$  constant during the change of horizontal intensity as observed at Albany, we may, by means of the above formula, calculate the change in declination or dip required to produce the observed difference in the horizontal intensity. Assuming  $\delta = 75^\circ$ , (the dip at Albany nearly,) and  $H =$  to the horizontal intensity observed at 6 o'clock, we can readily find the value of  $F$ ; and since this value is supposed constant, by substituting it in the expression

$$\cos \delta' = \frac{H}{F},$$

in which  $H$  represents the intensity observed at 10 o'clock, we shall have the value of  $\delta'$  (the dip) corresponding to the latter intensity. In this way, the change observed in the horizontal intensity at the time of the aurora, gives  $28' 48''$  as the deviation of the needle in the plane of the dip.

The aurora which appeared in connexion with this magnetic disturbance, was probably one of the most interesting ever observed in this country, particularly from the circumstance of the actual formation of a *corona*, which was seen in several parts of this State. My friend Prof. Joslin, of Union College, who happened to be in New-York at the time, has furnished me with the following account :

"The aurora borealis of 19th April, as it appeared in the city of New-York at 9 P. M. was peculiarly interesting, on account of the meeting of the luminous columns in the magnetic meridian, at the point in the direction of the dipping needle towards which they usually tend. The luminous matter occupied the whole northern half of the visible celestial hemisphere, and was very much condensed near the point of convergence. Some of the eastern coruscations were at times transiently curved, as though their middle parts (as was probably the case) were driven eastward by the impulse of the westerly breeze which was blowing at the time. A luminous band was at one time extended across the heavens, at right angles to the meridian, and  $30^{\circ}$  south of the zenith. This had at times an oscillatory motion in a north and south direction. It passed near the moon, around which was one of the large halos. The sky had been previously clear. The converging rays appeared to meet at the star  $\delta$  Leonis."

By computing the position of  $\delta$  leonis for 9 o'clock on the evening of the 19th, its altitude was found to be  $70^{\circ} 25'$ , and its azimuth  $11^{\circ} 27'$  east. A small error in time, however, would make a great difference in the azimuth. The dip of the needle at New-York is  $73^{\circ}$ , and the variation probably between 4 and 5 degrees, as it is  $6\frac{1}{2}$  degrees at Albany.

The aurora was also seen by Dr. William Campbell, at Cherry-Valley. He describes it as very brilliant, and assuming a variety of forms ; at one time appearing as a stupendous arch, crossing the heavens from east to west ; at another, radiating from a point south of the zenith. The Rev. Mr. Thummel, of the Hartwick Seminary, at his residence in Otsego county, likewise observed the same aurora. He describes it as radiating in every direction from a nucleus near the zenith, which appeared clear and compact for some time, when it began to move, and darted forth rays in every direction like chrystals.

March 6, 1832.

Since the foregoing was communicated to the Institute, several particulars have been learned in reference to the subject, which, on some accounts, are deemed interesting. The Annual Meteorological Reports of the different Academies in the State of New-York, to the Regents of the University, have been received; and from them it appears that the aurora of the 19th of April was visible over the whole extent of the State, and probably considerably west of it. It is described as being very brilliant at Lewiston on the Niagara river, extending high, and farther to the south than any before observed. In the eastern part of the State, it was seen at most of the Academies along the Hudson, and at Erasmus Hall on Long Island. It also appeared brilliant at Potsdam in St. Lawrence county, the most northern Academy in the State. It was probably not seen very extensively in the States east of New-York, as I am informed the weather in the eastern part of New-England was cloudy at the time, accompanied with rain. The aurora is described as shooting up to the zenith at North-Salem; and at Middlebury, as consisting of coruscations in almost every part of the visible heavens. At Fairfield, it illuminated nearly the whole heavens; a number of bows, commencing in the northwest, passed south of the zenith, and terminated in the northeast. An interesting account is given of its appearance at Utica, where it is described as rising at one time in streams of light, of purple, yellow, green and other colours, and exhibiting a rapid horizontal motion, passing and repassing like a company of dancers. The actual intersection of the beams so as to form the appearance called the *corona*, is mentioned as having been seen at the city of New-York, at Hartwick, Cherry-Valley, Hudson, and Prattsburgh in Steuben county.

The only plausible explanation of the formation of the *corona*, is that which supposes the beams of the aurora to consist of cylindrical portions of some kind of matter, which becomes luminous as it passes into the higher regions of the atmosphere; and that the cylindrical beams shoot up from many points of the earth's surface, nearly parallel to each other, and in the direction of the dipping needle. Being at different distances from the observer, they appear of different elevations; and sometimes, when seeming to overlap each other, they form continued streaks of light in every part of the visible heavens. The *corona*, according to this hypo-

thesis, is the perspective projection on the sky, of the beams which are shooting up at the same instant on all sides of the observer, and which, being all parallel to the dipping needle, appear to converge as it were to a vanishing point, situated, in the State of New-York, about 15 degrees south of the zenith. If this hypothesis be correct, and it seems a strict geometrical deduction from actual appearances, it would follow, that on the evening of the 19th of April, beams of auroral matter were shooting up from every part of the surface of the State of New-York.

But the most interesting circumstance in reference to this aurora, is that which I have learned from the December number of the Journal of the Royal Institution of Great Britain, viz. the fact of a disturbance of terrestrial magnetism being observed by Mr. Christie in England, on the same evening, and at nearly the same time the disturbance was witnessed at Albany, and that too in connection with the appearance of an aurora.

Mr. Christie had adjusted a magnetic needle for the express purpose of observing the effect when an aurora should appear, but was not so fortunate as to be able to make any observations with it until the evening of the 19th of April. His apparatus consisted of a light needle six inches long, suspended within a compass-box by a fine brass wire  $\frac{1}{8}$  of an inch in diameter, and 23 inches long. The needle was deflected from the magnetic meridian by the repulsive action of two bar magnets placed on opposite sides of it; so that, instead of pointing to the magnetic north, it settled in the direction of N.  $37^{\circ}$  W. As the needle assumed this position in consequence of the attractive force of the earth, and the repulsive force of the magnets, a deviation from the north towards the west would indicate a diminution in the terrestrial horizontal intensity, and a deviation towards the north an increase in that intensity, the intensity of the magnets remaining the same. At 10 o'clock P. M. on the evening of the 19th, during the appearance of the aurora, Mr. Christie found the needle vibrating between N.  $43^{\circ} 40'$  W. and N.  $42^{\circ} 40'$  W. At 10h. 15m. its direction was N.  $34^{\circ}$  W. It continued to approach the north until 10h.  $37\frac{1}{2}$ m. when it pointed N.  $33^{\circ} 30'$  W. It again receded from the pole, and at 10h. 40m. vibrated between N.  $37^{\circ}$  W. and N.  $36^{\circ}$  W. The next morning at 7h. 20m. the needle pointed N.  $40^{\circ}$  W. From this brief abstract of Mr. Christie's observations, it will be seen that the horizontal intensity was less than usual at 10 o'clock; that it



increased until 10h. 37½m. when it was greater than in its undisturbed state ; and that it again decreased, and was less than usual the next morning at 7h. 20m.

By adding five hours to the time of the observations made at Albany, we will have nearly the corresponding time at Mr. Christie's residence in Woolwich. These times being 6h. and 10. P. M. will therefore correspond with 11h. P. M. and 3h. A. M. of time at Woolwich. From this it appears, that the observations at Albany were made at a period of absolute time between the last observation of Mr. Christie on the evening of the 19th, and the morning of the 20th. The only interesting result, however, which apparently can be drawn from a comparison of the observations, is, that at both places there was a disturbance of terrestrial intensity at the same time ; the intensity rising above and sinking below its usual state at each, although these changes did not occur in the same order at both places.

I am not aware that a simultaneous disturbance of terrestrial magnetism, in connection with an aurora, has ever before been noted at two places so distant from each other. Nor do I think the coincidence in this case is in the least degree accidental. On the contrary, it appears to me highly probable that the disturbing cause was not only common to both places, but was also active at the same time in a great portion of the northern part of the globe. A brilliant aurora is by no means a local phenomenon. That of the 26th of August, 1827, was visible over nearly the whole of the northern States, in Canada, and also from some part of the Atlantic ocean. But what places the extensive and simultaneous appearance of the aurora in a more striking point of view than any in which it perhaps was ever before exhibited, is the comparison of the notices of the aurora given under the monthly meteorological reports in the Annals of Philosophy for 1830 and 1831, and the Reports of the Regents of the University of the State of New-York for the same period. By inspecting these two publications, it will be seen, that from April 1830, to April 1831, inclusive, the aurora borealis was remarkably frequent and brilliant, both in Europe and in this country ; and *that most of the auroras described in the Annals for this time, particularly the brilliant ones, were seen on the same evening in England and in the State of New-York.*

The particular days on which the aurora appeared in England, are not mentioned in the Annals, except when the aurora is con-

sidered on some accounts interesting. By comparing those which are thus noticed, with the Regents' Reports, the following results are obtained :

The first aurora mentioned in the Annals for 1830, occurred on the 19th of April. A particular description is given of its appearance in England, and also a notice of its being seen in Scotland. In the State of New-York, a brilliant aurora was extensively seen on the same evening. Accounts are given of it from Auburn, Cambridge, Canajoharie, Cayuga, Franklin, Hudson, Lansingburgh, Lowville, Oxford, Pompey, Rochester, Union, Cazenovia and Utica.

The second aurora noticed in the Annals, is that of the 20th of August. An aurora was also seen in the State of New-York, at Lowville, Pompey, Cazenovia, and is particularly described as presenting an unusual appearance at Utica.

The next aurora which appeared worthy of a particular notice in the Annals, happened on the 7th of September ; and the same evening, an aurora was seen at Lewiston in Niagara county. On the 17th of the same month, an aurora was also observed in England, and at the same time at Pompey, St. Lawrence and Utica.

Under the report of the meteorology for the month of October, in the Annals, two auroras are described as appearing, one on the evening of the 5th, and the other on that of the 16th. These were both seen in the State of New-York, the first at Utica, and the second at Lowville.

Two auroras are particularly mentioned as appearing in England in November ; but no corresponding ones are noticed in the Report of the Regents, as having been seen in the State of New-York :

In the meteorological reports for the month of December, in the Annals, there are five auroras mentioned. The most interesting of these happened on the 11th, and exhibited peculiar appearances. At one time, from a segment of the horizon of 70 degrees in extent, there emanated several flame-colored perpendicular columns, some of which were 2 degrees wide and 30 degrees in altitude : these were succeeded by others, which ultimately exhibited red and purple tints. Many persons in England saw the aurora, and described it as exhibiting an awful appearance from a mixture

of the colours. The most brilliant aurora which appeared in the State of New-York during 1830, happened on the same evening. At Albany, it extended nearly 90 degrees around the northern horizon ; and at one time, a row of bright columns rose from an arch, and extended upwards, some of them nearly to the north star. The columns from the western limb of the arch were slightly tinged with redness ; all the others were white. At Lowville, flashes of light are described as rising from the north to the zenith, and thence descending half way to the southern horizon. It was brilliant at Auburn, Dutchess, Erasmus Hall, Lansingburgh, Hartwick, Lewiston, North-Salem, Plattsburgh, Rochester, St. Lawrence, Union and Utica. An aurora also appeared on the 12th of the same month, and a brilliant one was likewise seen in the State of New-York, at Auburn, Dutchess, Franklin, Fredonia, Ithaca, Lansingburgh, Lewiston, Middlebury, North-Salem, Plattsburgh, Pompey, St. Lawrence, Utica. Faint auroras are also mentioned as appearing in England on the 13th and 14th, and another on the evening of the 25th ; but no corresponding ones are described in the Regents' Report.

In 1831, the first aurora described in the Annals, is that of the 7th of January ; "and of all the auroræ boreales," says the author, "that have been observed here (in England) the last twenty years, (some say forty,) this was the most extensive, the most beautiful in colours, and the most interesting on account of the singular phenomena which it displayed, in the number of distinct luminous bows which were presented in the course of the night." Several communications are given on the subject of this aurora, in the Annals of Philosophy, and the Journal of the Royal Institution. It was seen at Paris, and at Brussels. A particular description is given of its appearance in Utrecht, by Prof. Moll. On inspecting the Reports for 1831, I find an aurora was seen in the State of New-York, at places in the extreme east and west parts of the State—at North-Salem on the east side of the Hudson river, and Fredonia near Lake Erie ; and intermediate to these places, at Utica and Pompey. The Annals also mention that faint auroras were seen on the evening preceding and following, and also an aurora on the 11th. An aurora was noticed at several places in New-York on the evening of the 6th, but none on that of the 8th or 11th.

No auroras are mentioned in the Annals under the meteorology for February, but three are noticed for March ; the first, an interesting one, appeared on the 7th ; the second, on the 8th ; and the third, a bright one, on the 11th. By referring to the Reports of the Regents, it will be seen that auroras were observed on the same evenings at several places in the State of New-York.

The next aurora mentioned in the Annals, is that of the 19th of April, which has been the principal subject of this paper. An interesting account is given of its appearance in England, which states that at one time there was a grand display of about ten long active streamers along an arch of the aurora, several of which ascended to an altitude of 60 degrees ; and when most active, many passed beyond the zenith, exhibiting at the same time several prismatic colours. At 10 o'clock, the arch of the aurora extended 150 degrees. The extensive appearance of this aurora in the State of New-York, and the magnetic disturbance accompanying it, have already been sufficiently described.

The above coincidences appear too numerous to admit the supposition that they are merely accidental, particularly when it is recollected that there are many causes to prevent the cotemporaneous appearance of an aurora being recorded at two distant places, although it exists at both. While it is observed at one place, it may be obscured by clouds, or may escape the notice of the meteorological observer, at the other. Besides this, the coincidences occurred on the evenings when the aurora was most brilliant, and consequently when its action might be supposed most extensive. These simultaneous appearances of the meteor in Europe and America would therefore seem to warrant the conclusion, that the aurora borealis cannot be classed among the ordinary local meteorological phenomena, but that it must be referred to some cause connected with the general physical principles of the globe ; and that the more energetic actions of this cause, whatever it may be, affects simultaneously a great portion of the northern hemisphere.

## OBSERVATIONS OF LUNAR OCCULTATIONS OF THE PLANETS AND FIXED STARS, 1831.

Mean Time, (Civil Reckoning,) at the Academy, Albany.

By STEPHEN ALEXANDER, A. M.

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*June 17th.—Occultation of  $\gamma$   $\eta$ .*

Immersion at  $11^h 39^m 13.7^s$  P. M.

The star, for rather more than a second previous to the immersion, appeared to suffer a sensible diminution of light; and a faint brush of light, of a reddish hue, remained visible for about  $\frac{1}{2}$  of a second after the immersion. The diminution of light was also noticed by Prof. Henry, who used a telescope of smaller power. The star is a double one.

*August 29th and 30th.—Occultation of  $\eta$   $\delta$ .*

Immersion on the 29th, at  $11^h 46^m 44.9^s$  P. M.

Emergence on the 30th, at  $0^h 31^m 53.9^s$  A. M.

The star became, apparently, tremulous for about  $2''$  previous to the immersion: Its disappearance was nevertheless very instantaneous. A very small and thin cloud passed over the moon at the registered instant of emergence: As, however, the star was afterwards visible through a cloud of greater density, and the longitude deduced from the emergence is almost exactly the same with that deduced from the immersion, the time is supposed to have been correctly noted.

*October 21st.—Occultation of  $1^{\mu}$  Ceti.*

Immersion at  $11^h 7^m 16.7^s$  P. M.

The foregoing observations were made with a Dollond's achromatic telescope, magnifying 120 times. For want of a better instrument, a good eight-day clock was used for noting the time: Its error from mean time, and temporary rate, were ascertained by corresponding altitudes of the sun. The longitude of the Academy, deduced from these observations, is  $73^{\circ} 44' 28''$  W. of Greenwich Royal Observatory, if the moon's diameter be in every case diminished  $2''$  for inflexion; but if this correction be neglected, the resulting longitude will be  $73^{\circ} 44' 6''$ .

In making the following observations, the same instruments were used, with the exception of the time-keeper; the Hon. Stephen Van Rensselaer having favored me with the loan of an excellent chronometer, by Messrs. Parkinson and Frodsham.

*December 9th.—Occultation of the Planet Jupiter and his Satellites.*

|   |                |                 |      |       |
|---|----------------|-----------------|------|-------|
| Indentation of $\iota$ 's limb first perceived at             | 6 <sup>h</sup> | 20 <sup>m</sup> | 8.2' | P. M. |
| Immersion $\iota$ 's centre, .....                            | 6              | 20              | 49.7 |       |
| Total immersion, .....  | 6              | 21              | 46.3 |       |
| Immersion of the 1st satellite, .....                         | 6              | 25              | 40.2 |       |
| 2d do. ....   | 6              | 26              | 16.2 |       |
| 3d do. ....   | 6              | 28              | 11.2 |       |
| Contact of the nearest limbs of the $\odot$ & $\iota$ , ..... | 7              | 34              | 30.8 |       |
| Emersion of $\iota$ 's centre, .....                          | 7              | 35              | 12.3 |       |
| Total emersion, .....   | 7              | 35              | 55.0 |       |

A *very thin* cloud, of a density sufficient to conceal the moon's dark limb and the belts of Jupiter, prevented the observation of the precise time of the first external contact. From a continuance of the same obstruction, neither the immersion of the 4th, nor the emersion of any one of the satellites, could be observed. For a few seconds after the commencement of its emersion, the appearance of the visible portion of the primary planet was evidently distorted; being precisely that of a somewhat sharp-pointed mountain projecting from the edge of the lunar disc. Prof. Henry noticed the same phenomenon: The telescope which he used, magnified about 40 times.

*December 17th.—Occultation of Aldebaran.*

|                             |                 |       |       |
|-----------------------------|-----------------|-------|-------|
| Immersion at 4 <sup>h</sup> | 43 <sup>m</sup> | 47.4' | P. M. |
| Emersion at 5               | 37              | 27.0  |       |

The instant of the immersion was very exactly ascertained; that of the emersion may possibly be a second in error.



**IN SENATE,**

**March 6, 1832.**

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**REPORT**

**Of the committee on claims, on the petition of John  
C. M'Lean.**

Mr. Fuller, from the committee on claims, to whom was referred the petition of John C. M'Lean for relief,

**REPORTED :**

That this is a case, so far as facts are concerned, in all respects similar to that embraced in the report, which will be found in Senate Documents, No.    excepting that no legislative provision has been made in reference to it.

The petitioner purchased lot No. 69 in the Peru Bay tract, as he states, in November 1822, and paid for the same; deducting the amount due the State, which in March, 1815, was \$85, and which sum he agreed to pay. That payments of interest had been made in 1817, '18 and '20; and that this lot, with lot 74, mentioned in the report above referred to, were advertised by the Surveyor-General to be sold for arrears of interest, on the 16 of June, 1825. The petitioner states that on the morning of that day he paid to the Treasurer the interest then due, taking his receipt, which receipt was thereupon countersigned by the then Deputy Comptroller; that the petitioner then attended the sale during the first day, and finding neither of the lots on which he had paid interest were sold, concluded they would not be sold, and he left the city. This lot No. 69, with the other lot 74, were sold to George D. Simpson.

The petitioner claims the lot, believing his right thereto to be stronger and more equitable than that of the purchaser: But if he cannot be reinstated in the possession of the lot, he asks to be re-



funded the balance, which he thinks justly his due, and which he makes \$401, and the interest since June, 1825; or, that the value of the lot on said 16 June, 1825, be estimated by judicious men, and the balance, deducting what was then due the State, be refunded to him, with interest thereon since that time.

The intimate connexion between this case and the one heretofore reported upon, renders unnecessary, in the opinion of your committee, any separate enactment. They, therefore, ask leave to recommend that this petition and report be referred to the same committee of the whole, which has charge of the petition and report in relation to lot No. 74 in the same tract.

**IN SENATE,**

**March 7, 1832.**

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**REPORT**

**Of the committee on State Prisons.**

**Mr. Macdonald, from the committee on State Prisons,**

**REPORTED :**

That they have had under consideration, so much of the Governor's message as relates to "State Prisons, prison discipline, county prisons, and a penitentiary for female convicts," together with the reports of the State Prisons, rendered to this Legislature.

In relation to our two State Prisons, the committee are happy to remark generally, upon the increasing success and prosperity attending the management of these institutions. The difficulties which hung over one of them, a year or two since, appear now to have entirely disappeared, and the harmony and ability with which they are conducted give promise of the most salutary and beneficial results.

The present system of State Prison discipline, combining silent and unremitted labor through the day, and solitary confinement at night, with a strict attention to order, regularity, and moral improvement, has received the sanction of the public approbation. It has effectually superseded all that had previously been attempted, either for the punishment or reclamation of criminals, and has gained for our State a high character, both in this country and in Europe; and it is believed that its benefits will be more extensively felt, as its distinctive principles shall become more fully known and appreciated; shall receive the aid of further experience, and shall be carried into more thorough and vigorous execution.

The Auburn State Prison has been so long established, and the details of its various departments are consequently so well arranged, that for the last few years, it has more than supported itself. Such is not the case, nor could it have been reasonably expected thus early, at the Mount-Pleasant State Prison. This is comparatively a new prison ; it is indeed yet unfinished ; shops of four or five hundred feet in length are to be erected ; and much labor is still to be done for the necessities or convenience of the establishment. The great number of convicts at this prison, the rapidity with which it has been filled, the necessity of constantly adding to the buildings, together with other incidental causes, have prevented, and may yet for some time to come, prevent such a perfect arrangement of all its concerns, as will be required, before it can hope to support itself. And as long as it shall fail of doing this, the very immensity of the establishment, may call for a proportionate assistance. Under all these circumstances, requiring an annual expenditure of nearly \$80,000, it can scarcely be unexpected, that an appropriation of \$30,000 should be, at this time, necessary for the support of the prison. It ought to be noticed that of this sum, \$5,500 are for the support of the female convicts, who are a dead weight upon the institution.

The production and sale of marble at this prison, may be considered still as an experiment. Other branches of industry have been introduced, and if the business in stone shall be finally found to be unprofitable, these will be gradually extended. But to test this, and make the change in an institution of such magnitude, must be the work of time. It is yet believed, that such change will not be necessary. In the mean time, though, this prison has not been able, thus far, to support itself ; yet as nothing appears, but that its accounts have been fairly kept, and its officers faithfully and diligently engaged in the performance of their respective duties ; this committee deem that those officers are entitled to that support and protection of public opinion, which should always be extended to sustain faithful public servants.

By the last annual report of the Mount-Pleasant State Prison, (Senate Documents, No. 14,) it appears that the number of separate cells in that prison is 1,000, and that on the 16th day of December last, it contained upwards of 960 male convicts. The number of separate cells at the Auburn Prison, is 555, and on reference to the annual report, (Senate Documents, No. 31,) it will be seen, that on the first of January last, 646 prisoners were there confined. Of

these last, 30 are females, which, if deducted from the 646, will leave in that prison 616 male convicts. It thus appears, that there are in confinement at the two prisons, 1,576 male convicts, whilst taken together, there are only 1,555 solitary cells in them. It is manifest, therefore, that the excellent system of solitary confinement is in some measure departed from at these prisons, and that to preserve this system, immediate provision must be made for the erection of additional cells.

In compliance with a resolution of the Senate of the 18th of January last, the Inspectors of the Auburn State Prison have submitted a special report, (Senate Document No. 33,) by which it appears that 220 additional cells can be constructed at that prison, by an alteration of the south wing thereof, at an expense of \$15,973.06. Estimates of that expense in detail, are given in the document mentioned.

By the annual report of this prison, which has been already referred to, it appears, that on the 30th day of September last, there remained in the hands of the Agent, a balance of \$14,208.99. But the committee were informed by the Agent, and on an examination of the accounts of the prison, as rendered to the Comptroller, it so appears, that the balance in his hands on the 1st day of February last, was only \$10,933.34. This diminution was caused, as the Agent informs the committee, by the erection of an additional shop, 100 feet long by 40 feet wide, at an expense of about \$1,000; by the payment of \$800 for wood, \$270 for blankets, \$235 for a supply of leather, and by other expenditures which became necessary for the support of the prison.

For the erection of the proposed cells, the Inspectors of the Auburn Prison, in their annual report, recommend an appropriation of \$10,000; but your committee are of opinion that a smaller sum will be sufficient. It is, we think, highly expedient that the prison should have on hand always a sufficient fund to meet its regular expenses, and to guard against any failure of its ordinary income. The difficulties, and even losses to the public, arising from a want of funds at the Mount-Pleasant State Prison, for the last year or two, are known to one of your committee. Upon the whole, an appropriation of \$6,000 towards the erection of the 220 cells is recommended, which will be sufficient to complete them, without unwisely exhausting the entire funds of the prison.

A defalcation in the accounts of the late Clerk of the Auburn State Prison, was noticed in the annual report of that prison. This subject has been referred to the Comptroller, who, after an examination of the books of accounts kept at the prison, reported, (Senate Document No. 51,) that the sum of \$525.93 had been "traced to the hands of the late Clerk of the Auburn Prison, no account of which is found to have been rendered by him."

The Comptroller adds, that the examination has "fully satisfied him, that that amount should be credited to the Agent, both upon the books of the prison, and of this (the Comptroller's) office, and that the State should take the responsibility of the Clerk for the amount. It should be said, when it is recommended to credit the Agent with the above sum, or in other words, to discharge his liability to the State therefor, that the Comptroller is informed by the Agent himself, that the claim against the Clerk can be of no value, he having died poor, and probably without the means to discharge his private debts."

"But being satisfied that the confidence reposed in the Clerk was necessary and unavoidable, and that the money has never come to the hands of the Agent, but has been, or must be, charged to him, the Comptroller does not suppose that the responsibility of the Clerk should be made the standard of a just settlement with the former officer."

In consequence of these peculations of the late Clerk of that prison, some legislation will be necessary to rectify the accounts of the same, both in the books of the prison and of the Comptroller's office. To state the whole matter here clearly, would occupy unnecessary room in this report, as it is fully set forth in the report of the Comptroller on this subject, the document last above referred to. The committee agree entirely with the above opinion of the Comptroller, that the Agent should not in this case be held responsible for the defalcation of the Clerk.

In speaking of this defalcation, the Inspectors of the Auburn State Prison, in their annual report, say, that "to the clerk, as the accounting officer, the pecuniary interests of the institution are, to a certain extent, necessarily entrusted. Funds to a large amount, and from a great variety of sources, pass through his hands under circumstances which render the accounts so complicated, as to make it difficult to guard completely against speculation, or at once to detect

the fraud when committed, without laborious investigation:" and they "respectfully suggest, that while the Agent is required to give bonds in the sum of twenty-five thousand dollars, for the faithful performance of his duties, the clerk should be obliged to give adequate bonds to the Agent." They say further, that "vexatious difficulties occasioned by an affected independence on the part of the clerk, growing out of the difference of the tenure by which these offices, (the offices of agent and clerk,) are held, have latterly been not a little embarrassing to the Agent, in his endeavors to keep the run of the accounts, to which, together with the late clerk's peculiar method of book-keeping, may be ascribed" the above mentioned defalcation.

From this statement it appears evident that the clerk should be under the control of the Agent or Inspectors. Indeed the committee can perceive no sufficient reason why this officer, who must be subordinate to the Agent, and acting under his direction, should hold his office by a superior authority. Confined entirely to the keeping of the accounts, and claiming, as in the case above, the sole charge of the books, his situation will be but a slight check upon the institution, while, as in the case alluded to, it may thus enable him to peculate upon its funds. A corrupt combination between the Inspectors and Agent of the Prison, is not to be apprehended; nor is it believed that the clerk would afford any sufficient check upon their proceedings if such a case were at all probable. Upon the whole, the committee are of the opinion, that the clerk should be appointed by the Agent or Inspectors of our respective State Prisons, and should be required to give security in the sum of two thousand dollars, for the faithful performance of his duties.

The number of convicts sentenced to the State Prison, from the first three districts, during the last year or two, has considerably exceeded the number from the remaining five districts of the State. This excess fully equals the proportion by which the Mount Pleasant will exceed the Auburn State Prison, in the number of its cells. The committee therefore recommend that convicts from the first, second and third districts, be sentenced to the Mount Pleasant State Prison, and those from the remaining five districts of the State be sentenced to the Auburn State Prison.

Cases sometimes occur, in which the sum of three dollars, the largest sum which the Agent is authorised to give to a discharged convict, is entirely insufficient to enable him to reach his home and

friends, and he may thus be exposed to temptation by the way. It is proposed that the Agent be authorised, in extraordinary cases, to give to a convict a larger sum, provided that the whole amount paid to discharged convicts shall not exceed, on an average, three dollars each.

The committee are advised, by the Agent of the Auburn State Prison, that it will be necessary to increase the number of guards employed at that prison. The increase of convicts at the prison will render this necessary ; and during the period in which the convicts shall be occupied in erecting the additional cells, an increase of the guards will be especially required. The number now authorised at that prison, consists of a sergeant and sixteen privates ; and the committee recommend that these guards be increased to twenty, including the sergeant.

The present law authorises a military company, which is organized in Auburn for the safety of the prison, to draw " arms, accoutrements and ammunition, from the State arsenal at Onondaga, upon the order of the agent and keeper of the prison." But as the annual report of the Commissary-General informs us that there are no such arms, accoutrements or ammunition at the arsenal named, and as the Agent informs the committee that these are immediately wanted by the company, the committee recommend such a modification of the law as will authorise the Agent to draw the same from the State arsenal at Albany.

The assistant keepers of the Auburn State Prison are at present allowed a salary of four hundred and fifty dollars a year each. An increase of the pay of these officers is suggested by the Inspectors in their annual report. The committee understand that some of these assistant keepers are good mechanics, and have the supervision of branches requiring first rate mechanical skill ; whilst the mere superintendence of the convicts is all the duty required of other keepers. Keepers of the latter class can be engaged at moderate wages ; but to those of the former, good salaries must be paid. The committee therefore recommend, that the law regulating the salaries of the assistant keepers of the Auburn Prison be so modified, that they shall receive such sums respectively, not exceeding on an average four hundred and fifty dollars a year each, as the Inspectors shall agree to pay. This will enable the Inspectors to retain valuable keepers, without additional expense to the prison.

The assistant keepers of the Mount-Pleasant State Prison are employed upon this principle, and it is found to be of great advantage there. The salaries paid to the architect who superintends the stone shops, and to the locksmith who has charge of the smith's shop, greatly exceed the sums paid to some others of the assistant keepers. Were this not the case, the services of these mechanics could not be retained at the average salaries.

By the annual report of the Comptroller, (Assembly Document No. 4, p. 25,) it appears that some charges in the accounts of the late and present Agents of the Auburn State Prison, and of the present Agent of the Mount-Pleasant State Prison, are suspended. A part of these charges is for the "support of a child born in the Auburn Prison, and which the overseers of the poor of the neighborhood refused to provide for." The other charges of the different Agents which are suspended, "are for travelling expenses, upon business connected with the prison." These charges are deemed by the Comptroller to be just and proper, and are only suspended for the want of legal authority to settle them. In the justice and propriety of allowing these charges, the committee agree; and they recommend that legal provision be made for their final adjustment. They also recommend that legal provision be made for the settlement, in future, of such expenses as the Agents of the said prisons may incur, in travelling, on the necessary business of the prison, and in the faithful discharge of their respective duties.

In the annual reports, made to the Legislature in relation to our State Prisons, the accounts are returned in gross. But as it appears that it would be more satisfactory, that these accounts should be added in detail, it is recommended that the Inspectors of these prisons be required to furnish with their annual report, copies of the monthly returns, which the Agent is obliged to make to the Inspectors, under oath.

Regular returns, with vouchers for all the expenditures of the prisons, are made to the office of the Comptroller, are examined by that officer, and a statement of the same is exhibited to the Legislature in his annual report. These detailed statements, having been so made to that officer of the government, and having been audited and allowed by him, the Inspectors of the prisons, as we are advised, deemed it unnecessary and unimportant to trouble the Legislature with such voluminous returns. It is also proposed, for the further information



of the Legislature, that the annual reports of the aforesaid Inspectors, shall contain a list of all contracts entered into, by which the convicts are employed ; the portion of these contracts which may be finished during the year ; the sums of money paid upon the same ; the probable time of their completion, and the amount which will then remain due on the said contracts.

It frequently happens that strangers of distinction, foreigners and others, visit our State Prisons, for the purpose of procuring information in relation to the same. The government of France sent out two gentlemen, last summer, to visit our prisons, examine the manner in which they are managed and disciplined, and report the same to that government. Many of these would be very glad to have any document, however trifling the information it might contain, placed in their hands. It is therefore proposed, that each prison be furnished with 100 copies of the annual reports of such prison, for the purpose of useful distribution by the Agent.

As another reason in favor of this, much useful information might be obtained, in aid of our system of discipline, by sending these reports to the prisons of other States, and receiving from them in return, copies of their annual reports.

In relation to our county prisons, the committee believe that much may be done in the way of reformation ; but they think that the time has not yet arrived, in which it would be prudent to recommend expensive alterations in these establishments. A new era is dawning upon our State, in the abolition of imprisonment for debt. It is perhaps difficult to foresee what may be the effect of our legislation upon that subject. If the doors of our county gaols are no more to close, either upon the unfortunate, or fraudulent debtor, which may, perhaps, shortly be the case, sufficient room will probably be found in our county prisons, for the incarceration of all offenders, liable to such punishment. Our laws at present, provide for the separate confinement of different classes of offenders in our county prisons. The committee confess their want of sufficient information or experience to enable them to recommend any important and practicable improvement in the management of these ; and far too little, to warrant the recommendation of any alteration in our laws, which might produce the destruction of the old, or the erection of new county prisons.

But that which the committee deem of vital importance, and to which they would urge the most sedulous attention of the Legislature, is the wretched and unimproved condition of our female State convicts. Whilst the character of this State has been exalted by the successful exertions which it has made for the improvement of the prison discipline of its male convicts, the abject situation in which its female convicts have been suffered to remain is a subject of deep and just reproach. There are now in imprisonment about 80 female State convicts. Of these, 30 are at the Auburn prison, confined together in a single room, without order, regulation or discipline, subject to a tainted and sickly atmosphere, and exposed to the contaminating influence and uncontrolled indulgence of the worst passions and most vicious examples. The male and female departments of this prison are in perfect contrast to each other.

The female convicts belonging to the Mount-Pleasant State Prison, are confined at Bellevue, in the charge of the corporation of the city of New-York. These are now about fifty in number, and are supported at an expense of \$100 a year each, which is paid out of the funds of the latter State Prison. Nothing is allowed for their labor, and they remain, therefore, a heavy burthen upon the prison which supports them. Nor is their condition much better than that of the Auburn females; for, though they sleep in separate cells at night, yet during the day they mingle together, and thus the novice in crime, is constantly thrown in contact with the most profligate and abandoned of her sex, and can scarcely escape the pollution and depravity of matured vice.

The first effort, by the Legislature of this State, towards the erection of a separate prison, for the female State convicts, was made as long ago as 1828. By the seventh section of "An act respecting the State Prison," &c. passed April 12, 1828, the commissioners appointed to superintend the erection of the State Prison at Mount-Pleasant, are required to "cause a plan and estimate of probable cost to be made, of a prison for female convicts, to be erected at Mount-Pleasant, and report the same to the next Legislature." In accordance with this requirement, the commissioners reported at length to the next Legislature, (Senate Journal of 1829, page 45;) furnishing plans for a female prison, and the necessary appurtenances; together with two different estimates of the expense of erecting such a prison. One made by an architect of New-York, estimating the expense at \$51,912.15; and the other, made by the officers of

the prison at Mount-Pleasant, estimating the expense at \$38,673.87, besides the labor of the convicts. In both cases the prison to be built upon the State Prison farm at Mount-Pleasant, and of stone to be quarried there. The commissioners, however, expressed an "opinion that such prison ought not to be erected on the property of the State at Mount-Pleasant, but in the vicinity of some populous village or city in this State;" and gave their reasons at some length for that opinion. In consequence of this, the Legislature passed a concurrent resolution, in April, 1829, referring the subject back to the commissioners, and instructing them to "to ascertain upon what terms a site can be obtained, and a proper establishment erected, in the vicinity of some one of the populous villages or cities of this State, which shall combine suitable employment with moral instruction, and the superintending care of benevolent females, and to report the result of their inquiries to the next Legislature."

In pursuance of this resolution, the above mentioned commissioners reported to the Legislature of 1830, (Legislative Documents of that year, No. 8,) that they had "examined grounds in the city of Troy and in the village of Utica, where several eligible situations" had been offered to them; all of which were to be granted to the State free of expense, except one of the sites offered at Troy, for which a moderate compensation was demanded. They also exhibited estimates of the expense of erecting a prison, and expressed the opinion that such prison might be built at either place at from \$30,000 to \$32,500. They add, "a contract could now be closed and securities given, to build at Troy a prison, with all its appendages, agreeable to the plan and specifications submitted to the Legislature at their last session, at \$32,500." The commissioners conclude their report upon this subject with remarks favorable to both places mentioned, as being, either of them, suitable and proper for the location required.

On the second of March, 1830, a bill "authorising the erection of a State Prison for female convicts," which it appears was never finally acted upon, was brought into the Senate by Mr. Throop, the then chairman of the committee on state prisons. This bill, and the report of the committee accompanying it, corresponded entirely with the views of the commissioners before referred to.

The present committee of the Senate on state prisons, after duly considering the recommendation that the prison for females be lo-

cated at Mount-Pleasant, have arrived at the same conclusion with the commissioners, and with the former committee of the Senate, who reported the bill alluded to, above mentioned, to-wit: that it is inexpedient to build the prison for females at Mount-Pleasant. The only reasons in favor of that location seem to be, that the State has land there, upon which to erect the prison, with stone in the quarries to build it of; that the male convicts could be employed in its construction; and that the Agent of the Mount-Pleasant Prison could thus also superintend the female prison. On the other hand the committee think that the mere expense of an acre or two of land, in a matter of this consequence, should not be an object of any weight in deciding upon the location. They are of the opinion that sufficient land for the purpose would be granted to the State free of expense, or at a moderate price, on almost any location which might be selected for the prison. The committee also think that the cost of building such a prison would be as expensive to the State by the labor of the convicts, as by a contract with a builder. And the estimates heretofore referred to will justify that opinion. A building of brick will be sufficiently strong for the confinement of females, and this material, it is believed, will not be more costly than the preparation of stone at the Mount-Pleasant State Prison. The convicts at that prison are now fully employed; the officers are endeavoring so to arrange their occupations, as to produce the greatest amount of income; and it would derange the operations of the prison to undertake the building in question. More guards would be required, and greater expenses incurred. And in regard to the Agent of that prison, it may be observed that his duties are now very arduous, that his whole time is constantly employed, and that he would be unable to attend to any other duties than those to which he is at present confined. The appurtenant buildings connected with the Mount-Pleasant State Prison, are still unfinished, and if it be ever expected that that prison shall support itself, it must be left to the active and free exertions of its officers to produce such result. By erecting a female prison there, you would impede its efforts, and effectually prevent that spirit of emulation, which so often ensures success.

In the opinion of this committee, the prison for females should, undoubtedly, be in or near to a populous city. In such a place, where a number of occupations are conducted, it would be far less difficult to find convenient and useful employment for them, than in a small village. Light diet, which would be most suitable to their

sedentary mode of life, such as soups, could be more cheaply furnished in a city having a constant market, where coarse meat could always be obtained. Above all, they would thus be most likely to interest the feelings and exertions of a number of those benevolent persons of both sexes, who are to be found in a city. It is but a reasonable hope, that the active benevolence of persons of their own sex, which might thus be drawn towards these unfortunate objects, would produce lasting and beneficial effects, in improving their present condition, and for their ultimate reformation. We have no doubts but that there are many ladies in this country, who, like the Mrs. Fry of England, would use their best exertions in behalf of these unhappy females : and the success which has attended that lady's efforts warrant the belief, that the efforts of our own ladies, in a cause so beneficent and good, would be equally successful.

Some attempts have been made to procure information in relation to the situation and management of the female convicts of other States, and this report has been delayed in consequence. But though several documents have been looked over, and two or three letters have been received from different institutions, the committee are not able to present much information to the Senate on this subject. It was understood that considerable attention had been paid to the discipline and reformation of female convicts at the Maryland penitentiary in Baltimore, and at the State prison at Weathersfield in Connecticut ; and letters were particularly addressed to the officers of those institutions. An officer of the former of these prisons, in reply, informs us that the number of females in confinement there at present is 62, of whom 60 are blacks. They are under the superintendence of a matron, and are variously employed. Some are employed in carding wool ; some in spinning the same material with wheels, and some by means of machinery ; some are employed in binding shoes, others in winding spools for the weavers, knitting, &c. besides those employed in washing and in the kitchen. Male and female convicts are both confined in that prison. The male convicts are locked up at night in separate cells ; but the females are not separately confined at night, several of them being locked into a room together. There does not appear to be any thing remarkable in the discipline of the females of this prison. The convicts of this prison are making a small profit, over its expenses. An opinion is expressed that a prison for females should be located in a city, where different and various kinds of employment might be offered.

A letter from the Warden of the Weathersfield prison informs us, that at present there are but twenty females at that prison. These are confined under the same roof with the males, but separated by thick partitions, and a space of twelve feet. They are under the charge of a matron and assistant matron, are let out to contractors, and are employed in binding shoes at sixteen and a half cents per day. They have sometimes been employed in binding shoes at four cents a pair, and would bind from five to eight pair a day. They are more frequently sick and unable to labor than the males; but as the expense of guarding them is small, those that are able to labor do somewhat more than support themselves. By confining them separately at night, and watching them constantly while at labor in the workshops during the day, every channel of corrupting influence is cut off. Since they have been brought under the operation of this system of discipline, which lies at the foundation of the whole plan of improvement, their moral deportment has become greatly and favorably changed. The letter concludes, "I can truly say that the outward appearance of this miserable class of our race has greatly improved; they maintain a seriousness and submission, to which formerly they were strangers."

In a letter from the Chaplain of this prison, which is dated May 7th, 1831, and which has been printed, he says, "I suppose the female department here, is the best arranged of any in the world. Formerly, when they were all in one room, the noise which they made might be heard at a distance; and hair, torn from each other's heads, might be seen strewed about the floor. Now, they are lodged in separate cells, more than support themselves by their labor, and are much changed for the better as to their outward appearance."

Limited as is the information, which the committee have been able to obtain, in relation to the management of female convicts, it is still highly satisfactory. The evidence of the Weathersfield State Prison proves, that female convicts can be disciplined, that in consequence of this, their moral condition may be improved, and that they may possibly be made to support themselves.

It remains for the committee to say, that two gentlemen of the name of Burrows, residing at Port Schuyler, have generously offered to the State, two acres of land, on an eligible situation, on the banks of the Hudson, between the cities of Albany and Troy, as a site for a State Prison for females. This land is offered to the State

free of expense ; and it is due to these gentlemen to say, that they have evinced great willingness to aid in the establishment of such a prison at that place.

The committee are also informed, that a very eligible situation for the contemplated prison, may be found at Troy. Several different kinds of manufactories are to be erected, at the State dam, at that place, which probably might furnish profitable employment for the convicts. At the time when this city was formerly spoken of, as a site for the proposed prison, a number of its benevolent and public spirited citizens entered warmly into the project ; and upon the whole, your committee are of the opinion that no more suitable place could be selected, for this object than the city of Troy.

It is deemed however, by the committee, that it would be advisable to leave the selection of the site to the commissioners who may be appointed to erect the prison. The committee, therefore, recommend, that three commissioners be appointed by this Legislature, to procure a site and erect a prison thereon, for the female convicts of this State, according to the plans and specifications made by the late commissioners of the Mount-Pleasant State Prison, to the Legislature of 1829, and which may be found at page 45 of the Senate Journal of that year. - The drawings which accompanied that report are in the hands of this committee. The plans and drawings here mentioned, are laid down for 102 cells ; but as this class of convicts have latterly become more numerous, the committee recommend an additional story to the proposed prison, which will increase the cells to 136 in number.

It has been heretofore noticed, in this report, that the aforesaid commissioners stated to the Legislature, in 1830, that a contract could at that time be made, for the erection of a prison at Troy, according to the above mentioned plan, for the sum of \$32,500. But, as an additional story is now proposed, as other variations may be found necessary in erecting the prison, and that nothing may retard its completion, an appropriation of \$40,000 is hereby recommended for that object. It is not believed that this sum will be found more than sufficient.

Under all these circumstances of duty and encouragement, and with eighty female convicts in our prisons, wretched and debased, it surely becomes us to do something for the melioration of their condition. The need of this has been fully shewn ; the opinions of for-

mer Legislatures have been adduced; circumstances of improvement at other prisons, have been cited; the dictates of benevolence urge, and the character of the State demands it at our hands.

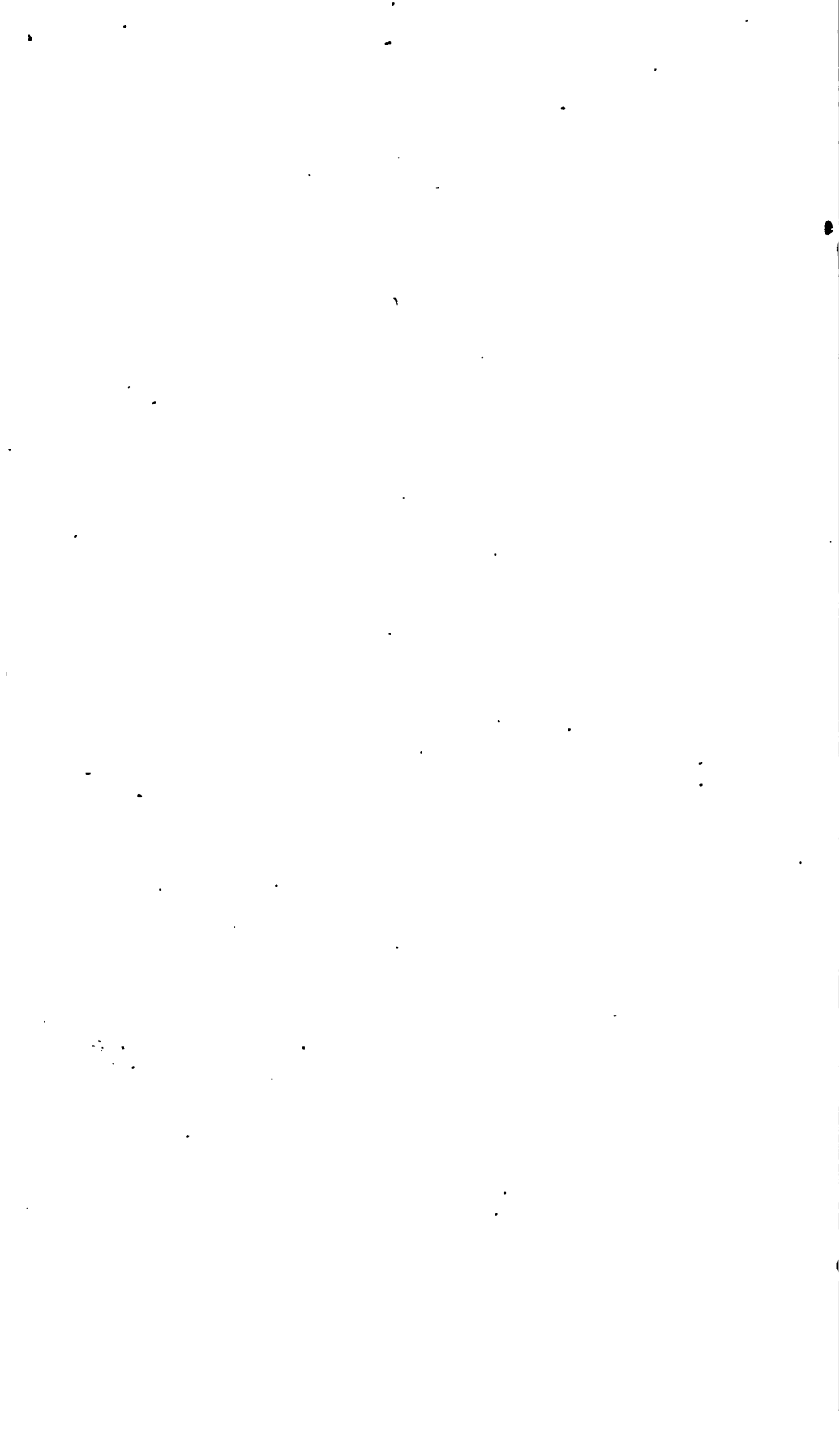
The committee confidently hope that the subject last mentioned, together with others noticed in this report will be finally taken up, and disposed by this Legislature, in such manner as shall best subserve the ends of justice and humanity, and be for the honor and dignity of the State.

The committee have accordingly prepared a bill, which they ask leave to introduce.

All of which is respectfully submitted.

ALLAN MACDONALD, *Chairman.*





**IN SENATE,**

**March 8, 1832**

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**COMMUNICATION**

**From the Trustees of the Capitol.**

**STATE OF NEW-YORK,**

*Albany, 7th March, 1832.*

The Trustees of the Capitol, having completed their duties under the act of the 26th April last, entitled "An act providing for the improvement of the Assembly Chamber, and repairing the Capitol," consider it their duty to submit to the Legislature the following

**COMMUNICATION.**

By the act, chapter 249 of the laws of 1830, the custody and care of the Capitol is committed to the undersigned, together with the Attorney-General, (whose absence prevents his uniting in this communication;) and they are authorised to make repairs to a limited amount, and to appoint a superintendent of the building. Pursuant to the directions of this law, the Trustees appointed Henry Weaver the superintendent, in the spring of 1830; but the officers of the Corporation of the city of Albany continued in the charge of the building, and to occupy parts of it, until the spring of 1831. When they left it, arrangements were immediately made to put the basement rooms in a situation to afford the superintendent a comfortable residence for his family; which being done, he moved into, and took charge of the building.

The room formerly occupied by the Common Council of the city of Albany, was set apart as a court room for the Court of Chancery. The Chancellor was then occupying the office in the State Hall, designed, in the construction of the new part of that hall, for the Adjutant-General; but the present Adjutant-General having signified

his desire to have the room, the Chancellor was assigned the room in the basement of the Capitol, immediately under his court room, to be used by him as an office ; which room he now thus occupies, and the Adjutant-General is in the possession of the office designed for his use in the State Hall.

In the mean time the act first above referred to was passed, directing specific alterations in the Assembly Chamber, and "such other repairs and improvements to the Capitol as they (the Trustees) may deem proper." In obedience to this act, a faithful and competent mechanic was employed to take charge of, and superintend the work in the Assembly chamber, and to keep and render to the Trustees a specific account of the expenditures. This was done, and his bills, amounting to \$515.97, appearing perfectly fair and satisfactory to the Trustees, were paid. This included the materials and the carpenter and joiner work, together with sundry ordinary repairs to the room and its furniture, and some small jobs in the basement of the building, but did not include the painting.

The Trustees further considered it not only proper, but highly necessary, to make extensive and permanent alterations and repairs in the Supreme Court room and the Chancellor's court room ; and a mechanic was employed in the same manner to make these repairs. The bills of expense for the materials, and the carpenter, joiner and cabinet work, were rendered in a manner very satisfactory to the Trustees, and were paid ; amounting, for the Supreme Court room, to \$500.04 ; and for the Chancellor's court room, to \$256.81. These bills did not include the painting to these rooms.

The painting to the three rooms was done by the same mechanic, and his bill for the whole work was presented and paid together, so that the Trustees are not able at this moment to divide the amount between the different rooms. The painting was done at twenty-five cents for each pound of paint used, which was ascertained to be the usual price paid for painting of that description. The work, in the judgment of the Trustees, was executed in a very superior manner ; and the whole bill, which included the washing and staining of the walls of the two court rooms, and the necessary glazing for the whole building, amounted to \$288.08.

The stoves in the two court rooms were the property of the Corporation of the city of Albany, and were called for to be transferred to the City Hall. This produced the necessity of supplying those

rooms with new stoves and pipe. The bill for this expenditure, including the putting up of the stoves and pipe, and rendering the building secure from fire from the stove-pipes, amounted to \$160.36, which has also been paid.

These constitute the principal expenditures which have been made by the Trustees under the act of the 26th April last. Some repairs in the basement of the building, and some to the roof, were found necessary in the course of the year; but these, together with the other ordinary repairs, have been as much restricted as a reasonable regard to the safety of the building, and the health and comfort of its inmates, would permit.

The following is a brief account of all the payments which have been made from the treasury, for account of the Capitol, from the first of January 1831, to the first day of March instant :

During the fiscal year ending on the 30th September last, there was paid as follows :

1831,

|           |   |         |                 |
|-----------|---|---------|-----------------|
| Jan. 20.  | To Hoermans, Rathbone & Co. for the stove and pipe for the small room constructed in the outer hall for the doorkeeper of the Executive chamber, and for putting up the same, ..... | \$32 46 |                 |
| Jan. 21.  | To Fassett & Hallenbake, for finding the materials, and building the room for the doorkeeper of the Executive chamber, .....  | 52 04   |                 |
| April 16. | To Elias Smith, for laying a new hearth in the Chancellor's office room,.....   | 2 00    |                 |
| May 24.   | To John Maher, for repairs to the roof of the Capitol, including materials, .....   | 34 30   |                 |
| July 9.   | To Laughlin M'Pherson, for various repairs to the building generally, and to the park fences and gates, .....   | 32 25   |                 |
|           |   |         | <u>\$153 05</u> |

During the current fiscal year, the following further payments have been made, to wit :

Amount brought forward,.... \$153 05

1831,

|          |   |        |                |
|----------|---|--------|----------------|
| Oct. 21. | To A. Bulson, for cleaning the<br>Chancellor's court room, and<br>washing the walls to prepare it<br>for the painter,.....  | \$6 17 |                |
| Oct. 21. | To John Maher, for further repairs<br>to the roof, including materials, .   | 11 75  |                |
| Nov. 7.  | To Moses B. Depuy, for putting up<br>ceilings and partitions in the<br>basement rooms, repairing shed<br>at southeast door, and several<br>other small repairs, ..... | 43 87  |                |
| Nov. 16. | To Henry Weaver, for payments<br>made for sweeping the chim-<br>neys, and for carting a mass of<br>rubbish from the cellars, with<br>several other small charges,.... | 8 38   |                |
| Nov. 28. | To Moses B. Depuy, for ceiling<br>bedrooms, and casing a window<br>connected with the Chancellor's<br>office, .....   | 19 00  |                |
| Dec. 14. | To Solomon Hayes, for cleaning<br>the whole building from the cu-<br>pola down, .....   | 28 50  |                |
| Dec. 15. | To Joseph Gladding, for painting<br>the ceilings and partition floors<br>in the basement, and for glazing<br>in the building generally, .....                         | 44 77  |                |
|          |   |        | <hr/> \$162 44 |

The foregoing payments have all been made under the act of 17th April, 1830, as ordinary repairs. In addition to them, the following sums have been paid under the act of 26th April last, to wit:

|                |   |          |  |
|----------------|---|----------|--|
| 1831. Dec. 5.  | To Fassett & Hallenback, for alterations<br>to the Assembly chamber, including materi-<br>als,..... | \$515 97 |  |
| 1832. Jan. 13. | To John F. Porter, for painting<br>the Assembly chamber, the Supreme                                |          |  |

|                              |          |                |
|------------------------------|----------|----------------|
| Amount carried forward,..... | \$515 97 | <hr/> \$315 49 |
|------------------------------|----------|----------------|

|      |  |          |          |
|------|--|----------|----------|
|      | Amount brought forward,.....   | \$515 97 | \$315 49 |
|      | Court room, and the Chancellor's court room, and glazing generally,.....                                     | 288 08   |          |
| 1832 | Jan. 23. To J. Lyman, for alterations to Supreme and Chancellor's court rooms, including materials, .....    | 756 85   |          |
| "    | Feb. 29. To John F. Porter, for painting ing, varnishing, &c. tables and seats in the two court rooms, ..... | 11 87    |          |
| "    | March 1. To Heermans, Rathbone & Co. for stoves, pipes, and putting up for the court rooms,.....             | 160 36   |          |
|      |  | ————     | 1,733 13 |

And showing the total payments from the 1st of January,  
1831, to the 1st instant, inclusive, to have been..... \$2,048 62

It will be seen from the foregoing summary of the payments, that the Trustees have not, as the act of April last seems to have contemplated, drawn the money into their own hands, but they have preferred the course of having the work completed, and the accounts rendered in a manner-satisfactory to them before making any payment, and then have the warrants drawn directly to the persons to whom the money was due.

The alterations of the court rooms rendered necessary the partial new dressing of the rooms, and the purchase of chairs for the rooms, and for the judges and chancellor.

Bills for the chairs which have been obtained, and are making, and which have not been paid, amount to about..... \$105 50

By the resolution of the Legislature of the 4th of January last, the Trustees were directed to procure carpets for the two court rooms. In obedience to that direction a carpet for the Supreme court room was purchased of T. W. Ford & Son, and their bill is unpaid, amounting to 327 41  
And a carpet was purchased for the Chancellor's court room, from W. S. Shepherd & Co. and their bill is also unpaid, amounting to ..... 93 22

Amount carried forward,..... \$526 13

|   |                 |
|---|-----------------|
| Amount brought forward,.....  | \$526 13        |
| The bills of the upholsterer for repairing the furniture to these rooms, and for putting down the carpets, also remain unpaid, and are, for the Chancellor's court room, \$50.44, and for the Supreme court room, \$174.13, in all, ..... | 224 57          |
| Showing an expenditure, beyond the payments before given, of.....   | <u>\$750 70</u> |

Some part of these bills the Trustees had concluded to assume the responsibility of paying under the law of 26th April last, as they considered the repairs to the furniture of the court rooms, as within the provision of the act for repairs to the Capitol, and though they had some doubt whether the purchase of the chairs could be technically embraced, yet finding them, or some other description of seat, indispensably necessary, they were purchased and contracted for with the expectation of making the payment by the authority of that law. Still, as the carpets have been procured by the direction of the resolution of the Legislature referred to, and as a law is to be passed which will authorize the Comptroller to draw his warrant for the payment, as well as for the expense of making and putting them down, the Trustees respectfully suggest that it may be well to include in the same provision, the other outstanding bills before enumerated, and thus to supersede the necessity of acting upon such a construction of the law of the last session, as may admit of doubt or question.

This closes the communication so far as it relates to the past acts of the Trustees of the Capitol. But they consider it a farther duty to avail themselves of this occasion to suggest to the Legislature what they think will be required for the coming year, to protect the interests of the State in this property. The Capitol was found by the trustees when they first assumed the possession of it, in many respects, in a bad condition. The roof, upon examination, requires permanent repairs to a considerable extent, to secure the rooms from being flooded with water, and the plastering and walls from destruction. Temporary repairs to prevent these leaks have been repeatedly tried during the past season, but they have not been successful. The area of wood around the cupola must be carefully sheathed

with lead or copper, and the trustees have already directed lead to be procured for this purpose.

Most of the rooms, with the exception of those occupied by the Governor, the Legislature, the courts and the library, are in a very bad condition, and require some repairs, together with additions of furniture, to render them fit for occupation by the committees of the Legislature, the use for which they are supposed to have been originally designed. The executive chamber itself demands, to a considerable extent, re-furnishing, and the carpet, especially, must be renewed, before another annual meeting of the Legislature.

The grounds about the Capitol are at the present time in a worse condition than the Capitol itself. Several parts of the park fence were blown to the ground by the winds during the last summer, and the whole has become so entirely rotted as to render repairs nearly useless. The trustees are fully satisfied that an entire new fence in the course of the present season will alone prevent this park from becoming an open common. The condition of the gate and gateways is daily under the observation of the members of the Legislature, and the Trustees need only to say, that they are favorable samples from which an opinion may be formed as to the present state of the whole fence.

No estimates have been obtained as to the cost of the construction of a new fence, similar to the one now enclosing the Capitol park, nor indeed, are the Trustees able to state, with any precision, what will be the expense of enclosing these grounds with any description of fence. The fact, however, is palpable, that a new fence of some sort, must be built, and, under this conviction, they feel bound to inform the Legislature, that they have been advised that measures are taken by the corporation of the city to reduce and level the academy park, and to surround it with a plain substantial iron fence; that when that improvement is progressed in, it will render necessary the reduction of the capitol park upon Washington-street, and that there is a strong desire in the city, that the State, in enclosing its park, should authorize the adoption of some plan by which the two public squares, situated side by side, as they are, may be made to possess an uniformity of appearance, and one which shall be creditable to the city and the State. The subject of ornament as connected with this public work, is one appropriately confined to the jurisdiction of the Legislature only, and the Trustees



would not consider it becoming in them to remark upon it. The only question they wish to discuss, is that of economy to the treasury, and security to the Capitol and the grounds around it. The construction of an iron fence must involve three items of expenditure, rather separate from each other. The first is the sinking of a suitable trench upon the line of the proposed fence, and filling it with a wall of ordinary mason work, raised sufficiently above the surface of the ground, and to the proper levels, to receive the coping stone. The second is the coping stone, which must be of marble, or some other firm cut stone, of sufficient width to cover the top of the wall, of sufficient thickness to sustain the fence, and properly drilled to receive the irons of which the fence is to be composed. And the third is the iron, and the fixing it in its place, to constitute the fence.

The coping stone properly prepared are said to constitute at least one-fourth of the whole expense of such a fence, and it has suggested itself to the Trustees that, should the Legislature come to the determination to construct an iron fence, it would be expedient to insert provisions in the bill requiring the Agent of the State Prison at Mount-Pleasant to furnish these stone, upon the order of the Trustees, or of the persons in whose charge the construction of the fence shall be put. In this way the cost of the coping stone to the State would only be the support of the convicts who should quarry and cut them, and the transportation.

The Trustees have not the information necessary to a correct comparison between the cost of the iron fence and of an ordinary fence constructed of wood, from which comparison only, accurately made, can a correct opinion be formed, as to the economy of the one course or the other, for enclosing these grounds. Still they have been inclined to believe, from such information as they have casually collected, that it will cost the State less money to build and maintain a substantial fence around this park, by making the structure at once firm and durable, than by attempting to do it in a temporary manner; as it should be borne in mind that the State, in the contract with the corporation, has bound itself to keep this ground forever a public park. These fences are in a situation of entire exposure, both to the weather and to accidents and injuries, and unless durability of material and great strength are united in their construction, it can not be reasonably expected that the same fence will last but a few years at most. The constant necessity for repairs and the frequent

repetitions of entire new building would, in the opinion of the Trustees, in a short term of years take more money from the treasury than will be required to build the fence proposed.

These, however, are mere suggestions thrown out for the consideration of the Legislature, as the subject is one upon which the members of that body possess equal advantages with the undersigned to form correct opinions, and the determination rests solely with them.

No provision now exists for clearing the walks around and within the park from snow and ice, in the winter season, or for obeying the ordinances of the corporation in relation to the care of the streets at any season of the year. An appeal has been made to the Trustees, during the present session of the Legislature, growing out of a penalty imposed upon the Superintendent of the Capitol, for a neglect of one of these ordinances, which requires the possessor of property to clear the walks adjoining it. The complaint related to the walks out side of the fence, and where the Trustees did not expect that the Superintendent, without compensation, would undertake this duty. It is also believed that the experience of the present winter has shown to every member of the Legislature the necessity of some more systematic arrangement, by which the walks, as well within as on the outside of the enclosure, should be kept in a condition to be passed with comfort and safety. What portion of this duty should be imposed upon the superintendent of the building, as a consideration for his house room, is a question which the Legislature may properly consider; but the Trustees have believed that if this agent kept the halls of the Capitol clean and in order, cleared the front steps and the walks immediately adjoining the building in front, and attended to the necessary supervision of the building itself, he would render to the State at least a full equivalent for the privileges he enjoys, under the present arrangement between him and the Trustees, and whether it is beyond that point, the Legislature will determine. They do not believe it would be equitable to him to require that he should be charged with the labor or expense of clearing the two long walks through the park, and much less that he should be held responsible, without compensation, for the care of the extensive side walk around the park, and for the proportion of the adjoining streets. With a proper compensation for the expense, he may be the person most conveniently located to perform these duties, but without a compensation the Trustees are apprehensive that

no individual can be found who will accept the house room occupied, as an equivalent for the service to be rendered. They, therefore, recommend this subject to the attention of the Legislature, as necessarily connected with any bill they may think proper to pass in relation to the Capitol, and the grounds connected therewith.

The foregoing relation of the payments for ordinary repairs, within the current fiscal year, will have shown the means at the command of the Trustees for any future calls, but it may not be amiss to recapitulate, that no misapprehension may be entertained upon this point. By the law of the 17th April, 1830, the Trustees are authorised, "from time to time to cause such repairs to be made as may be necessary for the preservation of the Capitol," but the amount to be thus expended in any one year, is not to exceed two hundred dollars. It has been seen that \$162.44 have been already expended since the first of October last, the commencement of the present fiscal year. Hence but \$37.56 remain within the power of the Trustees until after the 30th September next. It will, therefore, be fully apparent that unless the Legislature act upon the subject, this property must remain in its present situation substantially, for the residue of the present year; and that even repairs now known to be required to the roof, to prevent the introduction of water at every shower into the supreme court and other rooms, can not be made upon the strength of this appropriation.

The law of the 26th April last will be found to have been limited in its duration, to the meeting of the present Legislature, and therefore, no expense, not incurred before that period, can be paid under that law. The consequence is that, without further legislation, the powers of the Trustees, as to the preservation and protection of this property, until the commencement of the next fiscal year, will have been fully expended, when the further sum of \$37.56 shall be paid out; and after that period their powers, for the succeeding year, will only extend to the expenditure of two hundred dollars.

All which is respectfully submitted.

*Dated Albany, 7th March, 1832.*

SILAS WRIGHT, JR.  
A. C. FLAGG,  
E. T. THROOP,  
EDW'D P. LIVINGSTON,  
CHA'S L. LIVINGSTON.

**IN SENATE,**

**March 13, 1832.**

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**REPORT**

**Of the joint committee, on the examination of the  
Treasurer's account.**

The joint committee of the Legislature, appointed pursuant to Title 4, Chapter 8 of the Revised Statutes, for the purpose of examining the Treasurer's account for the fiscal year ending 30th September, 1831,

**RESPECTFULLY REPORT :**

That the termination of the fiscal year having been changed by a statute passed at the last session of the Legislature, from the 30th day of November to the 30th day of September, their examination has embraced a period of ten months only, to wit: from the 1st day of December, 1830, to the 1st day of October, 1831.

During that period, there has been paid into the treasury, including the balance remaining therein, at the end of the last fiscal year, the sum of \$1,810,425.

There has been paid out of the treasury, on warrants drawn by the Comptroller, the sum of \$1,747,987.45.

Leaving a balance of \$62,437.55, which was in the treasury on the 30th day of September last.

It may not be exactly within the province of the committee to advert to the order and regularity, the rigid economy and strict accountability which pervades the fiscal department of the State; but it does seem to them proper to remark, that the errors which they have been able to discover, are by no means extraordinary, when the extent and magnitude of our financial concerns are considered.

The following are the only cases to which particular attention is necessary :

**WARRANTS No. 1, 303, 484, 951.—*Salary of the Governor.***

The statute directs the salaries of the Governor and other officers of the government, to be paid quarterly, on the first days of January, April, July and October. In the case of the present executive, the rule has not been in all instances observed, but warrants have been issued, and his salary has been paid, in some instances, monthly, and sometimes at the end of two months.

**WARRANTS Nos. 2, 338.—*Salary of Private Secretary.***

The same rule applies, and these warrants are liable to the same objection.

**WARRANTS Nos. 3, 5, 6, &c.—*Clerk hire.***

By the statute, the clerk-hire in the different State offices, is directed to be paid in the same manner with the salaries. This rule has been found to operate severely, and it has not been strictly adhered to. The clerks have received their pay monthly, and the practice has escaped the animadversion of preceding committees. Nor can this committee strongly condemn the practice. Many of the clerks have large families, depending for subsistence upon small salaries, and monthly payments are of importance to them. A strict adherence to the rule of the statute would result either in inflicting unnecessary discomfort upon a worthy class of public servants, or in compelling an allowance of larger compensation. Either alternative may readily be avoided by such an amendment of the statute as will justify monthly payments for clerk-hire.

**WARRANTS Nos. 9, 167, 328, 663, &c.—*Postage.***

These warrants, amounting to \$1,468.46, are for postage on letters for the offices of the Comptroller, Secretary of State, Treasurer, Surveyor-General, Attorney-General, Adjutant-General, and Judge Advocate General. These warrants have been drawn on accounts produced by the Post Master monthly, in this form :

*"Comptroller's (or Secretary's) Office,*

*To the Albany Post-Office, Dr.*

*" To postage of letters,..... \$ "*

But they have not been accompanied by any other account of the items, or by any evidence from our State officers, that the account was correct, that the postage had accrued, or that it was necessary

and official : all of which the law would seem to require, and would be at least necessary to guard against mistakes in the post-office.

**WARRANTS Nos. 21, 24, 169, 235, 316, 387, 708.—*Convicts.***

The law, 2<sup>d</sup> Revised Statutes, p. 752, sec. 11, authorises the payment of \$1 per day for the maintenance of each convict, while on the way to the State Prison, but does not point out in what manner the accounting officer is to ascertain the number of days thus occupied. The evidence generally received is the certificate of the Agent of the prison. But it is not readily perceived how the Agent is to know that fact, or how he is to be answerable for a misstatement. The result is, that there is great want of uniformity in the charges, and much danger of improper accounts. Thus, some of the certificates contain charges for three days' keeping, when the travel is only 60 miles : some two days' keeping for 150 miles travel : one days' keeping for eight miles travel : nine days' keeping for 300 miles, and seven days' keeping from Utica to Sing-Sing, &c.

The expense of transporting convicts has also been increased by the necessity, at times, of sending them from Albany, Columbia and Rensselaer counties to Auburn, and from Madison, Oneida and Montgomery, to Sing-Sing. This part of the evil cannot be remedied by the accounting officers, but a rule may be adopted, whereby the discrepancy in the charges for keeping may be obviated for the future.

**WARRANTS Nos. 23, 759.—*Morgan Trials.***

Among the items of the account rendered, are the following, which are objectionable :

1. A charge of the special counsel, for \$5.40, being "his personal expenses to Auburn, to get his accounts audited by the Comptroller, and sanctioned by the Governor."

2. A bill of \$5, for medicines and medical attendance on Eli Bruce, while attending as a witness ; and a bill of \$14, allowed to Mrs. Bruce, for her expenses in going to and staying at Lockport to nurse her sick husband.

3. An allowance to Loton Lawson, also a witness, of 50 cents a day for his services, \$1 a day for his board, besides stage fare and expenses of travelling, and \$6 for a nurse and physician for him while sick at Lockport.

4. A bill of \$1, for carriage to get sick and female witnesses into court.

5. A bill of John Philips, for \$241.74, for services and expenses in going after James A. Shedd, as a witness on these trials; for \$4.57, for the discount paid to raise the money to defray those expenses; and a bill of James A. Shedd, for his attendance as a witness, of \$245.75. Thus showing a total of \$492.06, paid for the attendance of this one witness.

6. Mr. Birdseye's charge of \$16.96, for expenses of a journey to Albany to get a judge to hold the circuit, to make his report, and get his account settled.

These accounts having all been audited and allowed as the statute requires, the committee can only say that the items do not seem to them to be for services strictly necessary, and within the precise letter of the statute.

#### WARRANTS Nos. 30, 497.—*Salaries.*

In these two instances, the Reporter to the Supreme Court has drawn his salary contrary to the rule, which directs a quarterly payment.

#### WARRANT No. 63.—*Miscellaneous Payments.*

This was for a seal for the Clerk's office of the Supreme Court at Geneva; which was doubtless necessary, but it does not appear that the justices of that court had ordered it to be made as required by the act of 1829, page 105.

#### WARRANTS Nos. 40, 555.—*Courts Martial.*

From these warrants and the documents accompanying them, and from others found in the office of the Adjutant-General, it appears that a division court martial was held in the city of New-York, between the 1st of July and 1st of December, 1830. The members charge for 13, 14 and 15 days' attendance; while the Judge Advocate, Samuel Stevens, charges for 15 days' attendance, and 15 days for preparing papers, &c. In these papers some error occurred, which made it necessary for the Governor to order the court to assemble again for the correction of the error. Three of the members met at the appointed time, and adjourned because of the absence of the Judge Advocate and four of the members. At the adjourned day, the court assembled, ordered the error corrected, and adjourned to another day to examine and certify the record; and for that pur-

pose, they again assembled. For this second meeting, a bill of \$44 was made out and paid; \$6 of which was for three days' services of the Judge Advocate, (besides his attendance,) in preparing the minutes of the last meeting for signature, which minutes might have been prepared and copied in two or three hours. Yet that officer makes one day's meeting of the court necessary in order to hear and sign three or four pages of manuscript, which ought to have been written and signed at their first meeting. This seems to the committee to be a breach of the spirit of the statute; yet they do not see how it can be avoided by the Comptroller, when the presiding officer of the court will certify that such services are necessary, and have been rendered. The committee discover no other remedy than a trial by a court martial for such delinquencies; and a resort to this mode of redress may become necessary, if the practice should be continued.

**WARRANT No. 501.—County Clerks.**

\$10.50 of this bill is for notifying commissioners of deeds of their appointment, which is not allowable under the statute. 1 R. S. 377, § 60. 2 R. S. 640.

**WARRANT No. 562.—Expenses of the Astor Suits.**

This sum was paid to Duff Green, for printing 24 copies of two briefs, ordered by the Hon. M. Hoffman and H. B. Cowles, on making a motion for a mandamus in the United States Supreme Court, at its term in 1831. There is no evidence that the charge comes within the statute, (L. of N. Y. of 1826, page 106,) as neither the Governor nor the Attorney-General have certified the charge to be "reasonable and just."

**WARRANT No. 170.—Costs of Suit.**

This sum was paid to Edward Livingston, District Attorney of Albany, for attending a trial for murder at the Greene oyer and terminer. The Executive required the attendance of the Attorney-General, who, being indisposed, deputed Mr. Livingston to act for him. The doubt of the committee is whether the law (1 R. S. 180, § 5 & 6,) authorises such a deputation by the Attorney-General, and the payment of compensation to any person other than to the Attorney-General himself.

**WARRANTS Nos. 828, 886, 888, 890, 894, 926, 923, 936, 955, 990, 991, 993.**

These payments were made in strict conformity to the supply bill,



except they were made within 20 days after the passage of the bill, which did not contain a provision that it should take effect until after the 20 days had expired. Some other instances of the same kind were discovered, and are now mentioned for the purpose of suggesting the propriety of improving the supply bills hereafter in this respect.

**WARRANT No. 1,008.—*Frederick Sammons, State Pensioner.***

The statute authorising this pension, (L. of N. Y. of 1825, page 350,) does not direct the Comptroller to require any evidence of the identity of the person who draws the pension, or that he is still living; but the committee recommend that precaution for the future, as a necessary safeguard against imposition.

**WARRANT No. 1,037.—*Clerks of Counties.***

Payment to Ostrom, Clerk of Oneida, erroneous in this, that the Clerk charges in 1830 and 1831, for notifying the Governor of persons who have taken the oath of office, 6 cents for each person, when by law (2 R. S. 640,) it is only 3 cents.

**WARRANTS Nos. 184, 271, 931, 1,011.—*Contingent Expenses of the Assembly.***

There is an error of \$10 in Duff Green's account for papers furnished members of the Legislature, arising from his mis-addition. That sum is now owing to Mr. Green.

**WARRANT No. 1,084.—*Fugitives from Justice.***

The last item of this account is \$31.12, paid to Benjamin J. Hayes, for arresting John Paynter in Pennsylvania. The service was rendered under a warrant issued by the Executive to Jacob Hays. The authority of Benjamin J. Hayes to make the arrest, does not appear from the papers.

**WARRANTS Nos. 1,022, 1,083, 1,142.—*Court Martial.***

Here too are objections to the account of the Judge Advocate. The court was in session 11 days, but that officer charges for 47 days, 30 of which are for preparing papers; of that number, 16 days are for copying 19 pages of manuscript. The impropriety of the presidents of such courts certifying to the correctness of such charges, is most apparent.

**WARRANT No. 1,285.—*Court Martial.***

In this case, the members of the court charge 16 days, and the Judge Advocate 35 days.

**WARRANT No. 1,293.—Redemption.**

The sum of \$23.15 only has been paid, while the true sum due is \$25.42. This error of \$2.27 arises from a mis-addition, and leaves that sum now in the treasury to the credit of the purchaser.

**WARRANT No. 1,309.—Convicts.**

In this there is an error of \$7, arising from the sheriff's (of New-York) having charged twice for "keeping" the same convicts, while on their way to the State Prison.

**WARRANT No. 52.—Bounty on Salt.**

By a mistake, \$1.92 has been paid to the Syracuse Salt Company, more than they were entitled to receive. The error has arisen from a difference between the inspector's certificate, which states the amount at 800 bushels, and the collector's certificate, which states it at 856 bushels; and a similar difference of 8 bushels in another instance.

**WARRANT No. 1,341.—Bounty on Salt.**

This warrant was for \$298.02, and ought to have been \$298.95; showing an error against the Onondaga Salt Company, of 93 cents.

**WARRANT No. 1,380.—State Prison.**

In the account of the Agent of the Prison at Sing-Sing, for the month of December, 1830, there is an error of \$8.86 in the account of Green and Whitmore, for articles furnished the prison. They have received this sum more than they were entitled to.

**WARRANTS Nos. 55, 1,009 & 172.—Bounty on Wolves.**

The first warrant is in favor of Virgil Whitney, treasurer of Broome county, for \$90, the whole bounty, while the State is chargeable with only half; this error of \$45 is now due the State from that county. The second warrant contains an allowance of \$5, paid to Josiah Haynes, without the necessary affidavit showing his right to the bounty. The last warrant contains two charges of that character.

**WARRANTS Nos. 184, &c.—Contingent expenses of Senate and Assembly.**

The charges by Messrs. Gould & Co. for ruled paper is 75 cents more per ream more than the ordinary price, arising from the fact that the price for ruling paper has fallen since the contract was made with him to supply the two Houses with stationary. In other respects their account is correct. But the committee are induced to believe, that in the article of paper for the use of the Legislature,

which is a large item in their contingent expenses, a saving might be effected if the clerks were directed to make a contract during the recess, for all of that article which might be needed.

Among the items of contingent expenses, there is an error of 30 cents over-paid to Amos Andrews for wood for the Senate, an error of 63 cents over-paid M. B. Depuy for work in the Senate chamber, and an error of 60 cents short pay to W. & T. Seymour for binding documents, &c.

#### WARRANTS Nos. 401, 413.—*Revising Laws.*

The first is for \$1,020, paid to John C. Spencer for preparing tables, &c. The law authorises the payment of \$1,000 for this service. (L. of N. Y., 1828, p. 69, § 18.) The \$20 is for postage. The second warrant is for \$1,023.62 to B. F. Butler, for the like service. The \$23.62 is for clerk hire. The charges for postage and clerk hire were not authorised by that act.

#### WARRANT No 1,333.—*State Library.*

In the account for the expenditure of this annual appropriation for the enlargement of the State library, were found two items, one of \$17.50 paid for inkstands, candlesticks, &c., and one of \$9.72 for candles, which ought to have been included in the contingent expenses of the library, and not in the account for its enlargement.

The committee of the preceding Legislature called our attention to certain warrants which had been drawn upon the treasury during that year. The committee have adverted to them, and have found in all those instances that the warrants have been drawn by the Comptroller in strict conformity with the laws which authorised them; and they do not conceive that the duty with which they were charged, by the statute which directed their appointment, authorised them to proceed any farther. A particular examination of the manner in which the moneys drawn under similar warrants are expended, seems to the committee to be expedient, and they respectfully suggest that the powers of their successors be enlarged in this respect.

Nor did the committee feel themselves authorised to examine the accounts of the expenditures for the canals, and the management of the Canal fund. Their duty confined them to an examination of the Treasurer's accounts, and although all the moneys of the State are to be paid into his office, yet it will be perceived, that so much as belongs to the Canal fund, is paid over by him to the Commis-

sioners of that fund, and the manner in which they expend or invest it, does not appear from any documents in his office. These expenditures and investments have become by far the most important part of our fiscal concerns, and the committee would unite in the recommendation made by the committees of the two last years, so to enlarge the powers of the joint committee, as to embrace within their examination all the expenditures and investments by the Commissioners of the Canal Fund.

The committee regret that the ill health and constant engagements of that member upon whom the duty of drawing this report devolved, have prevented an earlier submission of it to the Legislature.

*March, 1832.*

WALKER TODD,  
CHA'S L. LIVINGSTON,  
J. W. EDMONDS.



**IN SENATE,**

**March 9, 1832.**

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**REPORT**

**Of the committee on claims, on the petition of Erastus Willard.**

Mr. Hubbard, from the committee on claims, to which was referred the petition of Erastus Willard, praying for an allowance of one hundred and forty dollars, and interest,

**REPORTED:**

That in 1829 a law was passed authorising the Commissioners of the Land-Office to sell to the petitioner sixty acres of land, from the southeast corner of lot No. 25, in the two-mile tract, situate in the town of Vernon, in the county of Oneida, at the appraised value thereof, made by Peleg Gifford, with interest thereon from the time of the appraisal, which was in 1825.

The petitioner contends, that he ought not to have been charged with the interest, as he occupied the land under a lease from the Indians, which was given with the approbation of their attorney, and recognized by the State in their treaty of 1814 with the Indians. An examination of the treaty, in the office of the Secretary of State, shewed the statement of the petitioner, in this respect, to be true. His right to occupy the land in question until the first of May, 1829, is distinctly recognized.

On the 6th of March, 1830, Willard purchased the land at the appraised value, according to the act of 1829, and paid on account of interest, as appears by the certificate of purchase given him by the Surveyor-General, one hundred and forty-six dollars and eight cents.

Such being the state of facts, the only question to be settled is, ought the State, in justice, to refund this money to the petitioner, or endorse it on his bond? The committee are of opinion, that as the State recognized his right to the occupancy of the land until May, 1829, he should not have been charged with interest until that time: And they have therefore prepared a bill for his relief, which they ask permission to introduce.

**IN SENATE,**

**March 14, 1832.**

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**COMMUNICATION**

**From the Comptroller, relative to the liability of the  
State for costs, under section 14, title 17, chapter  
8 of the third part of the Revised Statutes.**

COMPTROLLER'S OFFICE, }  
*Albany, 14 March, 1832.* }

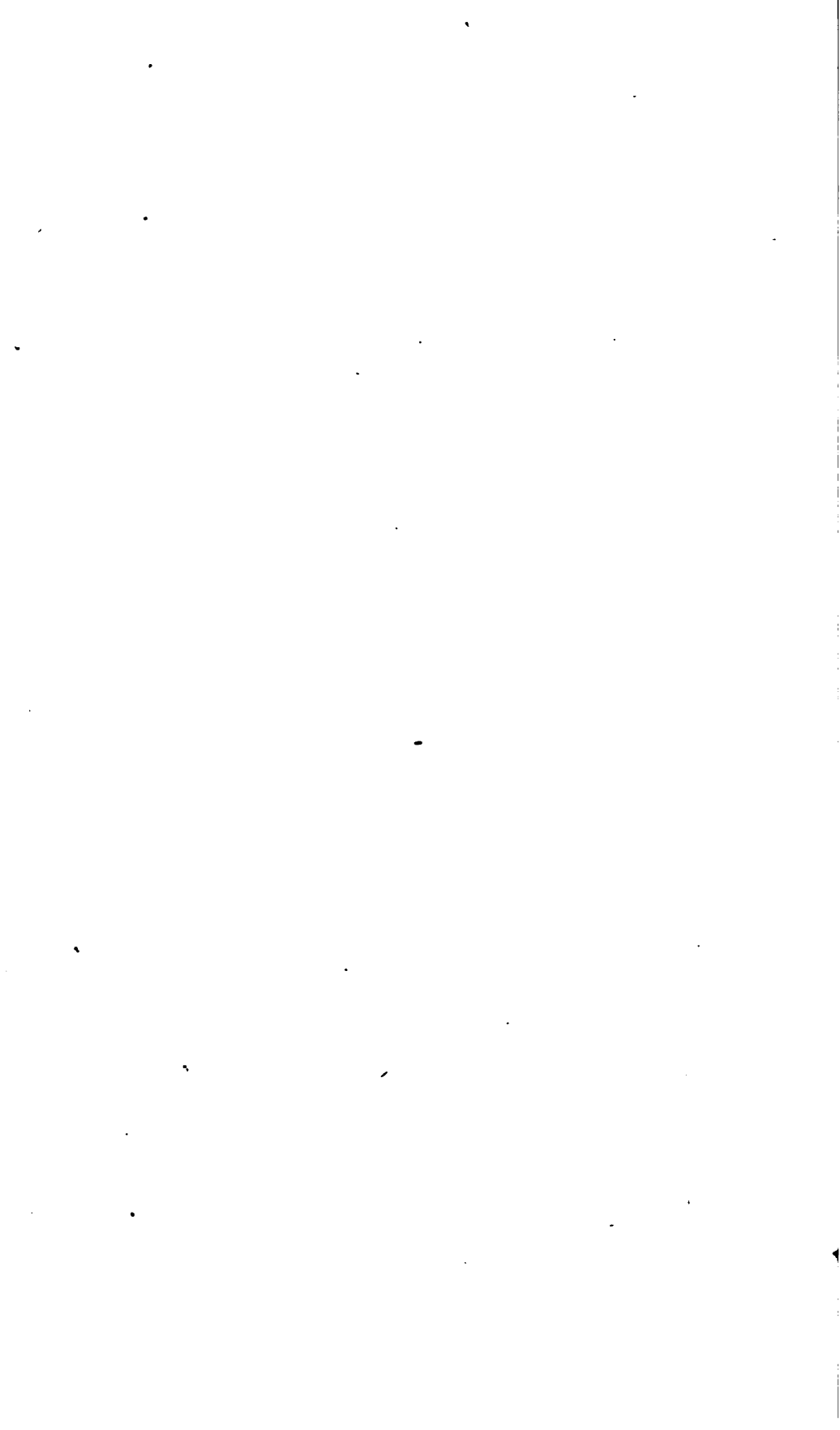
**TO EDWARD P. LIVINGSTON,**  
*President of the Senate.*

**SIR,**

May I ask you to lay before the honorable the Senate, the communication herewith transmitted, relating to the liability of the State for costs under section 14, title 17, chapter 8 of the third part of the Revised Statutes.

I am, with great respect,  
Your obedient servant,  
SILAS WRIGHT, JR.





## COMMUNICATION.

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STATE OF NEW-YORK, }  
COMPTROLLER'S OFFICE. }

A claim having been presented to the Comptroller, under the 14th section of title 17, chapter 8 of the third part of the Revised Statutes, and his warrant upon the Treasurer having been demanded, which he has considered it his duty to refuse, he feels impelled to give to the Legislature, now in session, the statement of facts in the case, and the reasons which have brought him to the conclusion that a warrant should not be issued, in the following

### COMMUNICATION.

Title 9 of chapter 20 of the first part of the Revised Statutes, is captioned, "Of excise, and of the regulation of taverns and groceries." The first six sections of the title designate the commissioners of excise, prescribe the manner and place of their meeting, direct their book of minutes, give the power to grant licenses to keepers of taverns and to grocers, fix the fees to be charged for the licenses, and prescribe the character and qualifications of the person to whom a tavern license shall be granted. The seventh section of this title is in the following words :

"§ 7. Nor shall such license be granted, until the applicant shall have executed and delivered to the supervisor, or in case of his absence, one of the justices of the town, a bond to the people of this State, in the penal sum of one hundred and twenty-five dollars, with a sufficient surety, to be approved by the board of commissioners, with a condition that such applicant, during the time he shall keep an inn or tavern, will not suffer it to be disorderly, or suffer any cockfighting, gaming, or playing with cards or dice, or keep any billiard table or other gaming table, within the tavern so by him kept, or in any out-house, yard or garden belonging thereto."

The 21st section of the same title is in the following words :

"§ 21. Whenever a breach of the condition of such bond shall happen, it shall be the duty of the supervisor of the town, mayor of the city, or trustees of the village in which such bond was executed, to prosecute the same, and recover the penalty thereof for the use of the poor."

Pursuant to these provisions, the supervisor of the town of Cherry-Valley in the county of Otsego, instituted a suit in the court of common pleas of that county, upon the bond of Norman L. Keyes of that town, an innkeeper, and who, it was alleged, had forfeited the condition of his bond. By the 21st section of the act above quoted, it will be seen, that the supervisors of the towns are directed to institute suits upon these bonds, "whenever a breach of the condition of such bond shall happen;" and by the 7th section, it will appear that the bond is required to be taken in the name of the people of the State of New-York. The suit, therefore, if instituted at all, must be brought in the name of the people; they being the obligees in the bond. This was done, and the suit was tried at the February term last of the court of common pleas of the said county, and a verdict was rendered in favor of the defendants in the suit, the innkeeper and his sureties. The consequence was, that a judgment passed against the people, the nominal plaintiffs in the suit, for costs, amounting to \$62.49.

This is claimed to be a case coming within the provision of section 14, title 17, chapter 8 of the third part of the Revised Statutes; and the original record of the judgment duly signed, the bill of costs duly taxed, and a certificate of the Attorney-General, "that such suit or proceeding was duly instituted as by law required," have been produced to the Comptroller, upon which to found the demand for a warrant upon the Treasurer for the costs.

The reason which governed the Comptroller in refusing the warrant, is, that the people had no interest in the suit, directly or indirectly; that no officer of the State was concerned in the prosecution of it; that the penalty to be recovered is, by the statute authorizing the prosecution, appropriated to the poor of the town; that an officer of the town is directed to institute the suit; that the whole proceeding is for the benefit of the town, and consequently must have been intended to be at the risk and expense of the town; that the people are, in all that class of cases, a merely nominal, while the supervisor of the town is the real, party plaintiff in the suit; and that it could never have been the design or intention of the

Legislature to make the treasury of the State responsible for the costs of a disastrous litigation, where that same treasury could not receive the benefit if the same litigation had been prosperous.

Still it is conceded that the language of this section of the statute is entirely general, and that the conclusion to which the Comptroller has arrived is sustained by the reason and equity of the case, and not by the wording of the provision. And as this is the first case of the kind, which has been presented, he has considered it an imperative duty to state the facts, and his conclusions, to the Legislature, that in case that body should concur with him in opinion, as to what the law was designed to be, a modification may be made, to prevent others from being misled, as he supposes these parties evidently have been, in relation to the obligation upon the State to pay these costs.

A slight examination of the statutes will show that the number of bonds alone directed, by the existing laws, to be taken in the name of the people, is very great, and that the suits which can be instituted in the name of the people, for statute offences and statute penalties, where no officer of the State is to be consulted, or to have charge of the prosecution, and where the public treasury can not by possibility be benefitted by any recovery to be had, are immense. The hazards, therefore, to the treasury, if the construction contended for by these claimants is to be given to the provision in question, imperiously demand the immediate action of the Legislature, and the relief of the State from future claims of this description. But the Comptroller owes it to his sense of justice to say, that, until directed by legislative instruction, or by the judicial tribunals, he can not possibly recognize a construction, of any statute, so unequal and unreasonable in its operation as that here contended for.

The authority given to the supervisor to institute suits, in cases like the present, attaches "whenever a breach of the condition of such bond shall happen;" and it may, perhaps, be said that the verdict in favor of the defendants shows that no breach of the condition of this bond had happened; and that, therefore, the supervisor had no authority to institute the suit. What evidence was furnished to the supervisor to satisfy him that a breach of the condition of the bond had happened, or upon what probable cause the suit was commenced, is not known; but to give this technical construction to the law, and to suppose that the supervisor is to foresee, with

certainty, the event of a suit of this description, before he commences it, or to be personally responsible for that event, is a rigid adherence to the terms of the provision which the Comptroller is not inclined to adopt. But if this rigidity of construction be adopted, still a doubt may exist whether the rights of the defendants are to be determined by it. The law authorises the supervisor, upon the happening of a contingency, to institute a suit in the name of the people. The supervisor determines that the contingency has happened, and commences the suit. The people are the plaintiffs, and the defendant, after being put to the expense and trouble of a defence, shows that he was wrongfully prosecuted. Is he then to be told that the proof of his innocence has shown that the officer had no authority to bring the suit, and, therefore, that he must look to him for indemnity? It is believed that such was not designed by the Legislature to be the responsibilities of the person to whom it was assigned, as an official duty, to prosecute these bonds; and that if they intended to make the public treasury responsible for the trouble and expense to which an innocent defendant might be put, they could not have expected that his indemnity should be defeated by the proof of his innocence.

The question is therefore considered as returning to the proper construction of the section of the law giving costs against the people, in any case, and to the decision of the point whether or not this is a case coming within the provisions of that section. Hence the reasoning used in a former part of this communication is supposed to be applicable, and the true construction of that section is supposed to result from a just settlement of the real objects of any given suit, and the real interests of the nominal parties to it.

No doubt is entertained that, where suits are prosecuted by the Attorney-General, or by the direction legally given of any of the officers of the State, or where the interests of the State, as a government or body politic, are involved, and the recovery, if favorable, is to benefit its treasury, the costs, if adjudged against the people, are, by the authority of the section in question, to be paid out of that treasury. But it is not believed that the general interests of the State, as a body politic, in the ordinary police of its cities, towns and villages, was designed to be carried so far, by the Legislature, as to make the public treasury responsible for the litigations to arise from real or supposed violations of those police regulations, even though the statute might authorise the use of the name of the peo-

ple, in the prosecution of such suits. Much less is it believed that this responsibility was designed to be imposed, when the recovery, if had, is expressly declared to be for the benefit of the city, town or village where the infraction is charged to have taken place.

It should, then, be borne in mind, that the suit in this case was brought upon an alleged breach in the condition of the bond of an innkeeper. That bond is required by the law, not for the benefit of the State treasury, but for the preservation of good order and good morals in the town. A violation of the condition of the bond is punishable by the infliction of a pecuniary penalty. For the recovery of that penalty the suit is brought, and the money, if recovered, is expressly appropriated to one of the most worthy charities of the town, to the support of its poor. An officer of the town, elected by its freemen, and holding the first office within their gift, is constituted the discretionary agent to say when a breach in the condition of the bond has happened, when the good morals or good order of his town have been violated, when the penalty has been incurred, and a suit should be instituted to redress the injury, and to add the forfeiture to the fund for the support of the town's poor. In all this, nothing can be discovered but the ordinary process of carrying into effect a mere regulation of police, nor can the supervisor be viewed in any other light than as the agent of the town, for whose sound discretion the town is responsible. True it is, the law has directed these bonds to be taken in the name of the people, and therefore the suits upon them must be brought in that name; but the objects of such a bond cannot be mistaken; the interests to be served by the prosecution are expressly declared, and the hazards of the litigation should certainly fall where the benefits are to be realized. If the statute had directed the bond to be given running to the supervisor by his name of office no question of this description would have been raised, and yet not a fraction of interest would have been changed by such a provision. The supervisor would have been equally the agent and officer of the town, the bond would have been taken for the same purpose, the preservation of the good order and good morals of the town, the penalty, if recovered, would have gone in the same manner, to the support of the poor of the town, and consequently to its extent to relieve its citizens from that burden. Is then the mere use of the name of the people in this suit to change the hazards of this litigation, and to make the public treasury responsible for the mistaken steps of the prosecuting agent of every town and ward in the State? The Comp-

troller is not ready to adopt such a construction of the law, even taking its present terms, and if such a construction shall be considered as necessarily following the present provisions, he entertains the fullest confidence that the Legislature will see the necessity of adopting such modifications as shall render the statute more conformable to equity and plain justice.

The provision of the law referred to rendering an independent government liable to costs by the judgment of the courts of its own creation, is new in our legislation, if it be not new in the science of government ; but whether that provision be wise or not in its application as a general principle, it is respectfully submitted that its adoption, where the government is a real party to the suit, and where its interests as a body politic are involved, will not prove the justice or propriety of its application, where the name of the people is permitted to be used by the conservators of the peace, or by those charged with the execution of mere police regulations ; and if the interest of the State thus indirectly involved in this last class of suits should be considered a justification for charging the public treasury with the costs of a disastrous litigation, the obligation to defray the expenses would be much more forcible in the former prosecutions, where the people are always the party to the record, and where the personal safety of the citizen, and the peace of society are the objects to be gained by the proceeding. Still it has never been thought wise to charge the treasury with these costs, but to assess them upon the counties and districts for the especial benefit of which they are incurred. If this policy be correct in this respect, no reason is discovered why a different course should be adopted in reference to suits such as the one now in question.

But there is a further liability necessarily connected with this claim, if the claim itself is well founded. If the State is to pay the defendant's costs in this litigation, it should surely be considered obligated to pay the costs of its own attorneys in the cause. If the people were not a real party to the suit, they should pay no costs ; but if they are to be considered as having been a real party, and therefore liable for the recovery of the defendant, no principle can exempt them from compensating those servants who were employed to advocate their interests. This would seem to be a plain consequence of the conclusion sought to be derived by the claimants from the provisions of the law, and still its adoption must involve the absurd proposition that the State is to be held responsible for

the services of counsel employed, not by any officer or agent of the State, but by a police officer of a town; not to prosecute a suit in which the public treasury is at all interested, but in which the citizens of the town alone have an interest. And this consequence must follow an assumed liability to pay the costs of the defendant, because he succeeded in the defence, and the People of the State were made by the statute a nominal party to the suit.

The Comptroller is aware that it may be alleged, that these views of the subject go rather to indicate what he supposes the law should be, than to expound it as it is. The justice of such an allegation is partially admitted; but it will be recollected that he is addressing the body, which alone can remedy defects in the existing law, while they can, equally with any other tribunal, settle the proper construction to be given to it in its present shape. He has therefore indulged in these remarks, to show his sense of the necessity of an amendment, provided the construction contended for by the claimants is to be sustained in the present shape of the provision. There are now probably from one to two thousand persons who are authorised by the existing statutes to institute suits in the name of the people, when the public treasury has not the least interest in any recovery to be had, but where the suit is, like the one under consideration, to be prosecuted by way of enforcing some municipal regulation. The hazards, therefore, to the State, may not be light; while the great injustice of amercing the people of the whole State, for the improvident or ill-advised institution, or careless and neglectful prosecution of any such suit, is most manifest.

That this provision of the law, thus construed, may also be the subject of great abuse, is at least possible. The great number of suits which may be brought, the want of personal interest in the agents who have the charge of the prosecution, the remoteness or entire want of responsibility of those agents to the State government, the necessary carelessness as to their responsibility to those from whom they receive their election or appointment, so long as the public treasury is to sustain the expenses of a defeat, while any recovery obtained is to go to the benefit of those they are interested in conciliating, are all causes which, without the supposition of designed misconduct, are calculated to increase the drafts upon the public funds of the State, under a show of vigilance on the part of the officer charged with the institution of the suit.



To guard against these dangers, and to produce a perfectly equitable adjustment of these burthens, when it is necessary to incur them at all, it is believed that the provision of the law making the State liable for costs, if retained in the statute book at all, should be so modified as to admit of no ambiguity of construction, and should be strictly confined to cases where the interests of the public treasury are directly involved in the litigation, and where the suit is brought and prosecuted by the Attorney-General of the State, or by express direction and authority lawfully given from officers or agents appointed by the government, and responsible to it for their acts.

To meet cases similar to that of the claimants, a provision should be made, directing the supervisors of the county to levy the money, and to assess it upon their county, or upon some particular town, as the real interests involved in the suit should equitably require. And in connection with this subject, it is respectfully suggested, that in case the Legislature should be of the opinion that the existing law makes the payment of the costs of the suit in question, out of the State treasury, an obligatory duty, provision should be made for charging such payment in the account of the treasurer of the county of Otsego, and directing the supervisors of that county to raise the amount to meet such charge, by an assessment upon their county, or upon the town of Cherry-Valley, as the regulations at present existing for the support of the poor of the county, and of the respective towns, shall render consistent with the real interests involved in the litigation.

All which is respectfully submitted,

SILAS WRIGHT, JR.

*Dated Albany, 14th March, 1832.*

**IN SENATE,**

**March 9, 1832.**

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**REPORT**

**Of the judiciary committee, on the petition of Alpheus Hawley, and others.**

The committee on the judiciary, to whom was referred the petition of Alpheus Hawley, and others,

**REPORT:**

That the petitioners represent that they have recently purchased of this State, one hundred thousand acres of land, lying in Cattaraugus county, on the south side of the Allegany river.

That they have appointed Josiah Hall, Esq. of Warren, Pennsylvania, their agent, to dispose of said lands; that three of the proprietors and petitioners reside in Warren, and two in this State.

The petitioners pray that a law be passed authorizing Walter W. Hodges, of Warren, aforesaid, to take the acknowledgment of deeds and conveyances on the sale of said lands, and to allow the same to be recorded in this State, as if acknowledged before an officer of this State, authorized to take acknowledgments of deeds.

To comply with the prayer of the petitioners, would be adopting a new principle in regard to acknowledging conveyances of lands situated in this State, and one which the committee are not prepared to recommend.

At the last session of the Legislature of this State, a bill was rejected which proposed to appoint a commissioner for acknowledging deeds in a neighboring State.

That bill was of a general nature, and less objectionable than the present, which is intended for a particular accommodation; and in the present instance, the agent is not so remotely situated from this State as to render it very inconvenient for him to make his acknowledgments before an officer in Chautauque or Cattaraugus counties.

The committee, therefore, report against the prayer of the petitioners.

LEVI BEARDSLEY,

*Ch'm Judiciary Committee.*

## IN SENATE,

March 13, 1832.-

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### REPORT

Of the committee on the erection and division of towns and counties, on the petition of sundry inhabitants of the town of Chenango, in the county of Broome, for a division of said town.

Mr. McDowell, from the committee on the division of counties and towns, to whom was referred the petitions of sundry inhabitants of the town of Chenango, in the county of Broome,

#### REPORTED :

That the committee have carefully examined the said petitions and accompanying documents. The petitioners state that the present town of Chenango contains a population of nearly four thousand inhabitants, and its limits extend from the Pennsylvania line, on the south, to the county of Chenango, on the north, making the two extremes of the town from twenty to twenty-five miles apart : that the territory of the town is too extensive, and the inhabitants too numerous, for the convenient transaction of public business.

From the map presented to your committee by the petitioners, as well as a reference to Burr's map of the county of Broome, it appears that the town of Chenango is principally situated in the fertile valley of the Chenango. The Chenango river enters said town at its north bounds, and passes nearly through its centre, until it discharges itself into the Susquehannah at the village of Binghamton.

In eighteen hundred and thirty, the town of Chenango contained a population of three thousand seven hundred and sixteen ; and the committee have no doubt but at this time they would number at least four thousand.

To divide the said town, as proposed, would make two commodious towns, about equal in territory, being from ten to twelve miles in length, from north to south, and from five to eight or ten in width; the proposed town of Binghamton would contain about two thousand five hundred inhabitants, and the town of Chenango about one thousand five hundred.

The number of petitioners amounts to about two hundred; on the contrary, the committee are not aware that there are any remonstrants against the proposed division.

Your committee are of opinion that a division of said town, as proposed, would greatly promote the interest and convenience of the inhabitants thereof; they have prepared a bill, in accordance with the prayer of the petitioners, which they now ask leave to introduce.

**IN SENATE,**

**March 12, 1832.**

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**REPORT**

**Of the select committee, on the petition of the Rectors, Church-Wardens and Vestry of St. Andrew's Church, in the county of Richmond.**

Mr. Sherman, from the select committee, consisting of the Senators of the first Senate District, to whom was referred the petition of the rectors, church-wardens and vestry of St. Andrew's church in the county of Richmond,

**REPORTED:**

That it appears by an act of the Legislature, passed April 9th, 1819, that the commissioners of health of the city of New-York were required to pay out of any funds unappropriated in their hands, to the said wardens, the sum of one thousand dollars, upon their giving a bond to the people of this State, conditioned that they should faithfully apply said moneys towards the erection and completion of a church, within three years, upon a lot of ground to be given to them by the late Daniel D. Tompkins, Esq.

That in pursuance of said act, the said money was paid, and the bond required therefor was given; which bond is now on the files in the office of the Comptroller of this State.

On account of the embarrassed state of the affairs of the late Governor Tompkins; the petitioners were unable to obtain a location for the contemplated church, on ground which was unincumbered; in consequence of which, the project of erecting the same failed, and has been abandoned.

The petitioners, therefore, now solicit the passage of a law authorizing them to apply said money towards the erection of an academy in the village of Richmond, or its vicinity.

It appears that there is no institution of this kind in the county of Richmond, and that the inhabitants of that county contribute annually to the Mariner's fund, without having received any returning benefit from the Marine hospital at the quarantine.

The committee consider the object of the petitioners a laudable one, and deserving encouragement; but in order to render such academy of general benefit to the county, they are of opinion, in conformity with the suggestion which has been made to them, that it ought not to be placed under the exclusive government of any particular church, or sectarian influence. That there are several churches of different denominations in that small county, and that any influence of that nature might have a tendency to excite jealousies, and retard the usefulness of the institution.

The committee approving the object of applying the funds in question to the promotion of the cause of education, recommend that the money be paid to the supervisors of the county, and that so soon as they shall cause to be raised the additional sum of 500 dollars by subscription, the subscribers shall choose trustees, who shall receive and appropriate the said moneys to the erection of an academy in the village of Richmond, or its vicinity; that such trustees shall take the necessary steps to cause themselves to be organized according to law for the government of such academy, and the affairs appertaining to the same.

In pursuance of these principles, the committee have prepared a bill, and ask leave to introduce the same.

**IN SENATE,**

**March 16, 1832.**

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**MEMORIAL**

**Of the Managers of the New-York State Colonization Society.**

*To the Honorable the Legislature of the State of New-York.*

Your memorialists would again present to the Legislature a subject, which possesses an importance, not inferior to that of any subject, which claims the attention of your honorable body.

The removal from the United States of the rapidly increasing black population in it, whether it be considered in a political or moral point of view; whether as a scheme of calculating and prudential considerations, or as one of generous and devoted philanthropy and patriotism, is certainly a measure of the most urgent necessity.— But, whilst we admire the individual and private benevolence, which has entered upon this measure so spiritedly and successfully, it is nevertheless apparent, that such benevolence cannot be relied on for the full accomplishment of it.

In their application to the Legislature a year ago, your memorialists prayed for the enactment of a law, which should appropriate a sum of money annually, for ten years, towards the removing to Africa, of that portion of our free colored population, desirous to emigrate thither; and they took the liberty of suggesting, that the law should provide, that this sum do not exceed, in any one year, the amount of the contributions, within that year, of the citizens of this State to the same object. If any safeguard against extending legislative munificence, in this case, beyond the public



approbation were needed, such a provision of the law would furnish it.

Your memorialists now repeat this petition ; and they will briefly advert to a few of the many facts and considerations, which commend it to the favor of your honorable body. Our State prisons, and jails, and alms-houses, in which the colored people are so largely represented, abundantly testify, that our State could well afford to pay an annuity of many thousand dollars to get rid of this degraded and burdensome population. But our whole nation is vitally interested in the removal of this population, which is not only rapidly swelling its vast numbers in the slave States, but is scattered through every part of the free States, and is especially accumulating in our largest towns. Nor is it in the saving of money, that we are to find the most important argument for this removal, and the greatest benefits that are to result from it. The highest political and moral interests of our country demand this removal, and the hastening on of that glorious day, so earnestly longed for by every patriot and philanthropist, when, in all this land of freedom, there shall be no chain worn, but for crime only. They, who cherish the union of these States, as a blessing above all price, and whose patriotism would count no expense too great to save the southern tier of States from being given up to the exclusive habitation and dominion of the colored people, or to the amalgamation of that people with the white population of those States, must look to the speedy removal of our colored people, as the only preventive of these evils. And for the most conclusive reasons this removal should be to Africa. If it be to the West Indies, to Texas, to Canada, then, how strong and various the objections to building up, in the vicinity of our own nation, a mighty empire, from a race of men, so unlike ourselves ? But, if the removal be to Africa, then is it to a happy distance from us, and to their father land, and to a vast continent, whither they can carry our political and religious institutions to a hundred millions of their fellow men ; and where, it must be added, are the only advantages for effecting a complete extermination of that horrid traffic, which, as it has been and still continues to be the great scourge of Africa, constitutes also the deepest guilt of christendom.

Is our State willing to contribute to the abolition of the slave trade ? Then let it aid the cause of colonization in establishing a cordon of civilized settlements along the western coast of Africa. Is it willing to make some return to unhappy Africa for the mea-

sureless wrongs which the non-slave holding as well as the slave holding states have had a share in inflicting upon her? Then let it aid the cause of colonization, in sending back to her her afflicted children, and in making their bondage eventuate in her greatest blessing. Is it willing to unite in doing a greater good to our country than the "American system," or "Free trade," or any other device in the whole range of political economy can accomplish for it? Then let it aid in removing that population, which, under its peculiar relation to the whites, and under its degrading social and civil disabilities, is a most fruitful source of national dishonor, demoralization, weakness and horrid danger. Is it said, that the Legislature would be going out of its province to promote these benevolent undertakings? There is a reply to this ungracious objection, which should silence it forever. It is never charged, that the makers of our Constitution and laws have gone aside from their powers and duties in stamping this portion of our population with hopeless inferiority—in closing against it the avenues to honorable distinction—in depriving it of indispensable incitements to virtue and usefulness, and in subjecting it to disabilities, that compel it to be degraded and vile. It surely then cannot be, that we are at liberty to make laws for degrading and oppressing our fellow men, and that the right of our Legislature to legislate for their recovery and happiness can be fairly challenged! We do not ask that the provisions of our Constitution and statute book should be so modified as to relieve and exalt the condition of the colored people, whilst they remain with us. Let these provisions stand in all their rigor, to work out the ultimate and unbounded good of this people. Persuaded that their condition here is not susceptible of a radical and permanent improvement, we would deprecate any legislation that should encourage the vain and injurious hope of it. But if our laws have hitherto united with the public sentiment in refusing to the colored race a home on these shores, and in making them outcasts from those precious blessings with which our free institutions visit the lot of the white man, then may we not, should we not, invoke our Legislature to follow up public sentiment, and to aid in gathering back the stolen and scattered children of Africa into her own bosom, and in placing them in circumstances that, unlike their circumstances here, will permit them to rise, to be useful and happy? Surely this people have long enough felt the *severity* of our legislation: let them now share in its *mercy*.

The American Colonization Society has made frequent applications to the General Government for aid to accomplish the great objects to which that Society is devoted. The Auxiliary Society of this State, of which your memorialists are the managers, has preferred to withhold its assent from these applications, until there should be more expressions in their favor from those states most deeply interested in the subject of our colored population. But the recent demonstrations of interest in our cause in Virginia, Maryland, Kentucky and Tennessee, (all of which States have, through their Legislatures, recommended that cause to the patronage of Congress,) may, in the judgment of your honorable body, make the present session of our Legislature the proper time for instructing our Senators, and requesting our Representatives in Congress to endeavor to secure such aid from the General Government to our truly national object, as can be extended to it constitutionally and with due regard to the claims of other great national interests.

The Legislatures of Virginia and Maryland have hitherto contributed money to the promotion of our cause. Recent events are impelling these States to the noblest efforts for it. The bill appropriating to African colonization \$35,000 for the present year, and \$90,000 for the next year, has already passed the House of Delegates in Virginia, and there is scarcely a doubt that it will become a law. There is hope, too, that Maryland will immediately appropriate \$100,000 to the same object. These are the only states that have as yet helped us by contributions of money. But your memorialists are persuaded, that should your honorable body set an example of liberality in this instance, corresponding with the great resources of our State, with the generous character of her citizens, and with their known interest in this cause, that example would be speedily followed by other states.

*March 9, 1832.*

JOHN SAVAGE,  
H. BLEECKER,  
CHARLES R. WEBSTER,  
JOHN T. NORTON,  
GERRIT SMITH,  
B. F. BUTLER,  
JOHN WILLARD,  
R. YATES,  
R. V. DE WITT,  
*Managers N. F. S. Col. Soc.*

**IN SENATE,**

**March 16, 1832.**

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**REPORT**

**Of the judiciary committee, on the bill entitled "An Act to revive an act to incorporate the village of Seneca-Falls, in the county of Seneca."**

The committee on the judiciary, to which was referred the bill entitled "An act to revive an act to incorporate the village of Seneca-Falls, in the county of Seneca,"

**REPORT:**

That on the 22d of April, 1831, an act was passed incorporating the village of Seneca-Falls, the second section of which requires the election of trustees on the first Monday of May in each year, and requires eight days' previous notice of the time and place of such meeting.

The act of incorporation contains no provision that it shall take effect and become a law immediately on its enactment, and under the general provisions of the Revised Statutes could not take effect until twenty days after its enactment by the Legislature.

No proceedings have been had under the act of incorporation, and as no meeting can be held for the election of trustees before the first Monday in May next, it is apprehended by the corporators that their corporate powers will be forfeited by *non user*, under the restrictions of the Revised Statutes. (1 R. S. p. 600, § 7.)

This section is as follows: "If any corporation hereafter created by the Legislature shall not organize and commence the transaction of its business within one year from the *date* of its incorporation, its corporate powers shall cease."

If an election shall be had on the first Monday of May next, the committee are of opinion that this section will not create a forfeiture of the corporate powers of the village.

In the opinion of the committee, the act of incorporation cannot be construed as contemplating an election of trustees on the first Monday of May last :

*First*, Because the act under the provisions of the Revised Statutes did not take effect until twenty days after its enactment, which would carry the time ten days beyond the first Monday in May.

*Second*, The law was passed on the 22d of April, 1831 ; the first Monday of May was the second day of May, ten days after the passage of the act.

The act of incorporation required eight days' notice of meetings to choose trustees. Now if the act of incorporation had gone into immediate effect on its passage, and had been sent off per mail to Seneca village, it could not have reached there in time to give the requisite notice.

Laws are not to be construed as requiring impossibilities ; and the fair import of the present enactment is, that the first meeting to choose trustees should be on the first Monday of May now next.

This, in the opinion of the committee, is equal to an express enactment that the first meeting should be on the first Monday of May of the present year ; and although more than a year after the date of the act, can form no objection to the validity of the corporation, if it shall be organized on that day.

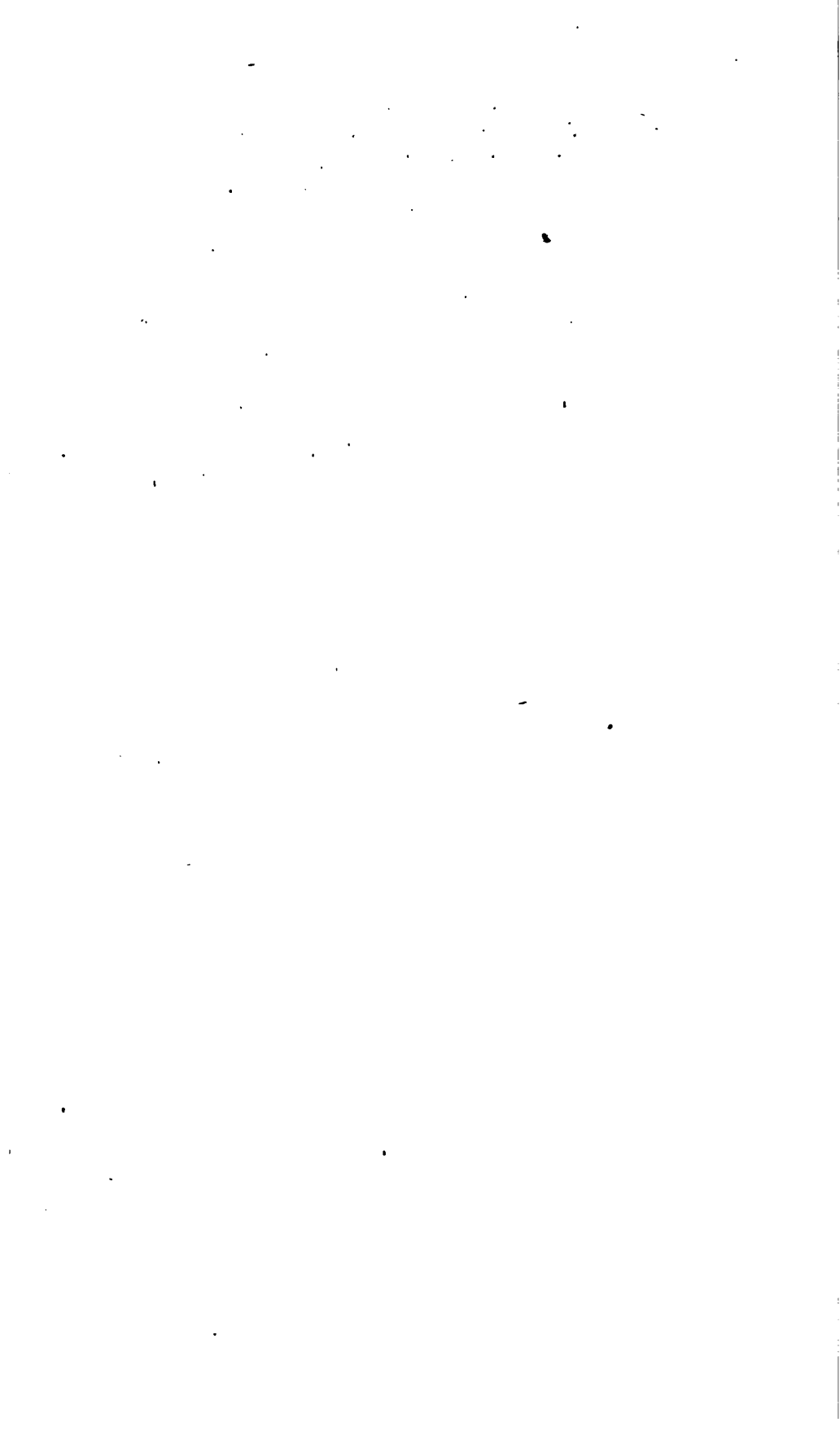
*First*, Because the Legislature has an undoubted right to fix a more remote period for organizing, than one year from the date of the law, and the legislative power which can prescribe one year, can, if deemed expedient, prescribe two years, or any other time, for the commencement of corporate powers :

*Second*, The act of incorporation being subsequent to the enactment of the Revised Statutes, (requiring corporations to organize within one year after the date of the act of incorporation,) and the act under consideration having, in the opinion of the committee, fixed a day for the first election after the expiration of the year, is to be regarded as virtually repealing the provision of the Revised Statutes, so far as this corporation is concerned.

The committee therefore are of opinion, that no legislative action is necessary ; but as doubts have been entertained, whether this or other corporations similarly situated, can legally organize after the expiration of a year from the date of the act of incorporation, the committee can see no objection to passing the law referred to them, for the purpose of removing all doubts, and to render the exercise of corporate powers perfectly free from objections.

No notice has been given of an application to amend the act of incorporation, but in a case like the present, if legislation shall be deemed expedient, the committee can see no particular objection to afford the contemplated relief without requiring such notice.

LEVI BEARDSLEY,  
*Chairman.*



**IN SENATE,**

**March 16, 1832.**

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**REPORT**

**Of the committee on the division of counties and towns, on the petition of the town of Mina, in the county of Chautauque.**

The committee on the division of counties and towns, to whom was referred the petition of sundry inhabitants of the town of Mina, in the county of Chautauque,

**REPORTED :**

That they have had the said petition under consideration. It appears that the town of Mina is twelve miles long and six miles wide, and contains a population of about fifteen hundred ; it is represented as rapidly increasing in wealth and population, and that the convenience of its enterprising inhabitants would be greatly enhanced by dividing the same as prayed for, which would give about the same population to each town ; and would be equal in territory. About one hundred and fifty have signed the petition, and the committee is not apprised that there are or can be any well grounded objections to said division ; they have therefore prepared a bill, which they now ask leave to introduce.

**J. G. M'DOWELL,**





**IN SENATE,**

**March 27, 1832.**

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**REPORT**

**Of the committee on finance, on the communication  
of the Trustees of the Capitol.**

Mr. Bronson, from the committee on finance, to which was referred the communication of the trustees of the Capitol,

**REPORTED:**

That said communication contains such full and ample information on the subject of the Capitol and Park, as to leave little for the committee to suggest, and little duty to perform beyond that of presenting a bill to carry into effect the recommendations of the trustees.

They will remark, however, that they have conferred with gentlemen in the city corporation, charged with the duty of levelling, inclosing and ornamenting the Academy park, and find the difference of cost between the iron and wooden fence not so considerable as they had anticipated, balancing the interest of money in the one case against the rapid decay and waste of capital in the other.

The city corporation have received proposals to furnish for the Academy park a substantial wrought iron fence, complete, with ornaments, gates, &c., properly set in the coping, for \$3,400.

An ornamental wooden fence is estimated to cost about \$1,200, and to last about ten years. The stone foundation and levelling would be the same for iron or wood.

No estimate has been procured of the cost of levelling, but from their own experience, the committee have no doubt that a few hundred dollars applied to the reduction of the north part of the Capitol

park, and the south part of the Academy park, will accomplish an important and desirable improvement in these Parks, and the public buildings connected with them.

While the city is thus spirited in its public works, it does not become the State to have their public grounds in their present condition; for whatever may be thought of the Capitol, these grounds at least, possess beauties which entitle them to public care.

All which is respectfully submitted, together with a bill.

**IN SENATE,**

**March 27, 1832.**

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**REPORT**

**Of the judiciary committee, in relation to the corporate rights of the city of New-York.**

Mr. Beardsley, from the committee on the judiciary, to which was referred the bill regulating the measuring of grain in the city of New-York, for their opinion on the following points:

1. Whether the power given to the corporation of the city of New-York, by the charter of the said city, to appoint and regulate the measurers of grain, is or is not an exclusive power, and whether such charter is not saved and confirmed by the constitution of the State?

2. Is it competent for the Legislature to exercise a concurrent power, or an exclusive power, so far as to prohibit the corporation from regulating the conduct and appointment of admeasurers of grain?

3. If the people of the State of New-York stand in the same relation to the city of New-York as the king of Great Britain did prior to the revolution, what is the legal interpretation of that clause in the charter of said city, which says that the corporation of New-York shall hold, exercise and enjoy all their power and privileges without any hindrance and molestation?

**REPORTED:**

That under this reference they have not deemed it their duty to look into the details of the bill, or to express any opinion as to its expediency. Nor have they considered it as presenting the question of amending the charter of the city of New-York, and therefore requiring a vote of two-thirds of the members of the Legislature. These are questions which will address themselves to the consid-

ration of the members of the committee whenever they may be called to act on the details of this bill.

The committee understand that the corporation of the city of New-York claim the right of appointing and regulating measurers of grain within the city, and deny the right of the Legislature to pass any law that shall impair or take away their present corporate powers.

The committee have therefore confined themselves wholly to the questions of law submitted to them by the resolution of the Senate, and have bestowed such time and reflection on the subject as their other legislative duties would permit.

The charter of the city of New-York was granted on the 15th of January, 1730, by letters patent under the great seal of the Province, by authority of the Crown.

It recited previous grants commencing with a charter under James II. of the 22d of April, 1686, and fully confirmed these grants, and gave additional powers and privileges. And this latter charter, granted by George II. in 1730, was fully confirmed by an act of the Provincial government, passed the 14th of October, 1732.

By this charter the mayor, aldermen and commonalty of the city of New-York, and their successors forever, among other things, are fully vested with the office "of measurer of and in the said city, to measure salt, wheat, oats and other grain, and all other merchandizes measurable or to be measured in the said city." To have and to hold these and other offices enumerated in the charter, and the disposition, ordinances and corrections of the same, and to exercise the same by themselves or their deputies, and to take and receive to themselves all fees, profits and perquisites to the said offices due, or to be due, to the mayor, aldermen and commonalty and their successors, to their own proper use forever.—[See p. 69 and 70 of the printed charter.]

For the better preservation of good rule and order in the city, authority was granted to the mayor, aldermen and commonalty of the city, and their successors, that the common council of the city, or the major part of them, for the time being, should have full power to license or appoint by warrant, under the common seal of the city or otherwise, "one or more surveyors of flour, bread, beef, pork and other provisions, *measures of grain, salt* and all other com-

modities, gaugers of wine, beer, ale, cider, rum, brandy and all other saleable or exciseable liquors, garbles, beadles, bellmen, watchmen, bridewell keepers, or keepers of a house or houses of correction," &c.—[See p. 73 of the printed charter.]

At page 104 of the printed charter, it is given and granted to the mayor, aldermen and commonalty of the city, and their successors forever, that they and their successors, all and singular, the "rights, privileges, franchises, premiums, advantages, authorities, jurisdictions, liberties, offices, courts, powers, immunities, &c., before granted or confirmed, shall and may forever hereafter have, hold, enjoy and use, without the hindrance or impediment of us, our heirs or successors," &c.

And at page 107, it is covenanted that the corporation shall quietly enjoy all their former and thereby granted franchises, lands, tenements and hereditaments.

Such were the rights of the city under the Colonial government, and by the revolution the people of this State, in their sovereign capacity, succeeded to all the powers and rights of the crown, and the city remained vested with all the rights and privileges which had been previously conferred, and which had not been resumed or modified by the Crown, or its representative, the Provincial government.

The question then is, as the committee apprehend, could the Crown or Government of Great Britain, or their Provincial government, have resumed the powers granted to the corporation without its consent?

If these rights could have been so resumed, it is believed that they now may be, by the government of this State, unless the State government is restrained by the constitution of the State, or of the the United States; which latter questions will be examined in the sequel of this report.

The committee, then, will discuss the question of power on the part of the Legislature, and not the question of expediency, in applying this power to the resumption of privileges, previously granted.

The committee can discover no difference in principle between the alteration or modification of the charter of the city of New-

York, and the alteration or modification of the charter of any newly incorporated city or village. All are civil corporations, and vested with corporate powers and privileges ; and although in modern enactments it is not deemed necessary to insert in terms a covenant or declaration, on the part of the government, that the corporation shall possess the powers and privileges granted, yet, in the opinion of the committee, the mere granting of these powers to civil corporations imparts the same verity to the grant, as if more solemnly expressed in the language of a full covenant of enjoyment.

Towns and counties are in the nature of corporations, and yet no one doubts the power of the Legislature to divide, or even to annihilate them, or to prescribe new rules and regulations for their government, or new officers to govern them. And so of cities or villages, the committee suppose the Legislature has the power of modifying their charters, and that too when the right to modify, alter or repeal is not expressly reserved and inserted in the act of incorporation.

Take the case of an incorporated village, where the trustees by the act of incorporation are to be chosen by the freeholders and inhabitants, and the president to be appointed by the trustees, can any one doubt the power of the Legislature to amend the charter, and to direct the president to be elected by the people ?

Or suppose the village officers are to be elected by a particular class of citizens, by freeholders or householders of a certain value, may not the Legislature extend the right of suffrage, and authorize other citizens to participate in the election ?

It seems to the committee that the power of the Legislature in such cases could not be questioned, and this too when no provision was contained that the Legislature might alter or modify the charter.

These acts of incorporation are mere municipal regulations for the good order and well being of the citizens of the State, and the committee suppose that such corporations are clearly distinguishable from private corporations.

That under private corporations, vested rights may be acquired. The corporation is created for private purposes, and good faith on the part of the government, and the interest of the citizen requires that the power of the government should not be exerted in subvert-

ing private rights, unless the power to repeal or modify has been reserved in the charter.

But with a city or corporation created for public purposes, and from motives of public policy, for mere municipal regulations, it is difficult to perceive how vested rights are to be acquired. No one individual acquires the right. It is a right conferred upon and acquired by the corporations in their corporate capacity, for public purposes, and may be resumed or annihilated at the will of the government.

It is not a pecuniary right, but a municipal regulation.

The committee believe the distinction which they have alluded to, between public and private corporations, to be fully sustained not only in principle, but from abundant authority.

In the case of *Phillips vs. Bury*, decided in 1694, Holt, chief justice, takes the distinction, "that there are two sorts of corporations, the one constituted for public government, the other for private charity. And these sorts of corporations," (for public purposes,) "are not subject to any founder or visitor, or particular statutes, but to the general and common laws of the realm, and by them they have their maintenance and support."—[1. Lord Raymond, 5 to 8th page.]

Chancellor Kent, in his *Commentaries*, has the same distinction. "Civil corporations" (says that distinguished jurist,) "are established for a variety of purposes and they are either public or private. Public corporations are such as exist for public political purposes only, such as counties, cities, towns, and villages. They are founded by the government for public purposes, and the whole interest in them belongs to the public."—[2 Kent's Com. 222.]

Again, he says, "In respect to public corporations which exist only for public purposes, as counties, cities, and towns, the Legislature, under proper limitations, have a right to change, modify, enlarge or restrain them, securing, however, the property for the use of those for whom it was purchased. A public corporation instituted for purposes connected with the administration of the government, may be controlled by the Legislature, because such a corporation is not a contract within the purview of the constitution of the United States. In these public corporations, there is in reality but



one party, and the trustees or governors of the corporation are merely trustees for the public."

"But a private corporation (he says) whether civil or eleemosynary, is a contract between the government and the corporators, and the Legislature cannot repeal, impair, or alter the rights and privileges conferred by the charter, against the consent, and without the default of the corporation judicially ascertained and declared."—[*Ibid.* 243.]

The same doctrine is asserted in *Terrett and others vs. Taylor and others.*—[9 *Cranch*, 52.]

And by referring to the case of *Dartmouth college vs. Woodward*, it will be found that Mr. Webster, who was counsel in that cause, fully admits the right of the Legislature to change and modify the corporate rights of cities, counties, and towns, as public convenience may require, due regard being always had to the rights of property. His opinion on that point may be seen at page 562.—[4 *Wheaton U. S. Rep.* 518.]

At page 629 of the same case, Chief Justice Marshall remarks: "If the act of incorporation be a grant of political power, if it create a civil institution, to be employed in the administration of the government, the subject is one in which the Legislature of a State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution of the United States."

The opinion of Judge Washington in the same case at page 659, and of Judge Story at page 694, admits the same doctrine.

The same distinction is taken by the Attorney-General in his report to the Legislature, made on the 6th of April 1830, on a reference to him of the bill to divide the town of Huntington, in the county of Suffolk.—[See *Assembly Documents* of that year, No. 392.]

The committee consider these authorities perfectly conclusive, and they might also urge the very act of confirmation in the present charter, of the antecedent grant of corporate powers, as an evidence of the power of government to resume or modify those powers; because if the previous grant conveyed rights which could not be resumed by the government, why the necessity or propriety of a confirmation?

Why confirm a right which was already beyond the reach of the power confirming it?

The committee might refer to the various acts of legislation affecting the great variety of corporate powers originally granted to the city of New-York, as a continued legislative construction of legislative powers.

The State exercises the right of appointing inspectors of beef and pork and of inspector of flour. The Legislature has increased the number of wards, has regulated, by statute, the opening and constructing of streets, and appear to have acted with unlimited power.

It is probable that many of the statutes have been passed at the instance of the corporators, but the committee have no doubt that there has also been much legislation affecting the powers conferred on the city authorities, without the assent of the corporation, and probably, in many instances, in opposition to its wishes.

The powers and privileges granted to the corporation were intended not only for the benefit of the city, but for the general prosperity of the province, which was considered as essentially depending on the prosperity of the city.

It therefore could hardly have been intended to place the municipal regulations of the city, in which the citizens of the province had a deep and abiding interest, entirely beyond the power of general legislation.

The very nature of corporate powers and the method of correcting abuses, as then understood by the English common law, imply the right, as the committee believe, of legislative interference.

Certain corporations were then, and (under the common law of England,) still are subject to the visitation of certain individuals for the correction of abuses.

Another class of corporations are to be reached and their abuses corrected through the intervention of courts of justice.

Now, under the present charter, the power to appoint measurers of grain was intended to promote the interest and prosperity both of the city and country.

If experience should show that the manner of appointing them failed of answering the great object in view, it is believed the abuse

or defect could only be corrected by the Legislature. No private visitation could correct it, and courts of law could not judge of the expediency of the mode of appointment.

The Legislature must, therefore, afford redress, if redress be given, as no other power or authority could reach the case.

"A corporation may be dissolved by act of Parliament, which is boundless in its operations."—[1 Black. Com. 485.]

In the remarks of the committee, thus far, they have laid out of view the questions whether the Legislature is restrained in its action, on this subject, by the constitution of this State, or by the constitution of the United States. These questions they will now proceed to discuss.

And, first, of the constitution of the United States.

A clause in the tenth section of the first article of the Federal constitution prohibits a State from passing any law impairing the obligation of contracts.

It has repeatedly been decided by the Supreme Court of the United States, that a grant by a State to individuals, or to private corporations, is to be regarded as a contract, and equally to be protected by this clause in the constitution, as a contract between individuals.—[6 Cranch, 88, *Fletcher vs. Peck*. 7 do. 164, *New-Jersey vs. Wilson*. 9 do. 43, *Terret vs. Taylor*. do. 292, *Pawlet vs. Clarke*. *Dartmouth College vs. Woodward*, 4 Wheaton, 518.]

It has also been decided that a private charter is a contract on the part of the government, and not to be impaired by a subsequent law.—[*Ibid*. 656 to 662.]

But the same authority makes a distinction between private and public corporations, and in regard to the latter, an alteration or modification by the Legislature is not such an impairing of the obligation of contracts as the constitution intended to prevent.—[See also 2 Kent's Com. 245.]

The committee therefore conclude that there is nothing in the constitution of the United States to restrain legislative action.

In regard to the constitution of this State.

The 13th section of the 7th article is as follows : " Such parts of the common law, and of the acts of the Legislature of the colony of New-York, as together did form the law of the said colony on the nineteenth day of April, 1775, and the resolutions of the Congress of the said colony, and of the convention of the State of New-York, in force on the 20th day of April, 1777, which have not since expired or been repealed or altered ; and such acts of the Legislature of this State as are now in force shall be and continue the law of this State, subject to such alteration as the Legislature shall make concerning the same."

The committee can discover nothing in this section which places the city charter beyond the reach of legislative power, but rather admits the right to amend.

The fourteenth section of the same article is supposed to have a more immediate bearing on the subject, and is as follows : " All grants of land within this State made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, 1775, shall be null and void ; but nothing contained in this constitution shall affect any grants of land within this State made by the authority of the said king or his predecessors, or shall annul any charters or bodies politic and corporate by him or them made before that day ; or shall affect any such grants or charters since made by this State, or by persons acting under its authority ; or shall impair the obligation of any debts contracted by the State or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice."

It appears to the committee that this section (as well as the 36th section of the old constitution, from which it was in part borrowed,) was inserted from abundant caution on the part of the framers of the constitution.

It was not intended to resolve the State with all its institutions and municipal regulations into the original elements of society ; but on the contrary to secure such rights as existed at the commencement of the revolution, and to give full effect to the acts and authorities of the royal government previous to that time ; the government of this State taking the place of the royal government, and vested with all its powers, privileges, and immunities.

The constitution, therefore, secured all private and corporate rights, leaving it to the Legislature to exercise such legislative powers as might have been exercised by the king and parliament, or provincial government.

This section does not, in the opinion of the committee, restrain the Legislature from making such alterations to the city charter as shall be deemed most expedient.

It is not the constitution that annuls or modifies chartered rights, but the action of the Legislature in cases contemplated by the framers of the constitution.

With these general remarks, the committee proceed to answer the interrogatories submitted to them by the resolution of the Senate. And first, they answer; that in their opinion, the power given to the corporation of the city of New-York, by the charter, to appoint and regulate the measurers of grain, is an exclusive power, until otherwise regulated or directed by the Legislature. The charter is saved and confirmed by the constitution of the State, but the Legislature may annul and modify it at pleasure.

Second. The Legislature may exercise a concurrent or an exclusive power, and may prohibit the corporation from regulating the conduct and appointment of measurers of grain.

Third. The committee have already expressed an opinion that the people of the State of New-York stand in the same relation to the city of New-York in regard to its corporate rights, as the king and royal government of Great Britain did, prior to the revolution; and that as successors to the royal government, the Legislature may exercise sovereign power in amending the city charter.

With these general views, if it be necessary to express a definite opinion upon the interrogatory contained in the third proposition submitted to the committee, as to "what is the legal interpretation of that clause in the charter of said city, which says that the corporation of New-York shall hold, exercise, and enjoy all their power and privileges without any hindrance and molestation?" The committee suppose it may be legally interpreted by conceding that those privileges shall be enjoyed free from the hindrance or molestation of all persons, or corporate bodies unauthorized by the Legislature.

In their opinion it was not intended to restrict legislative power; but until such power is exerted, the committee suppose it delegated

to the corporators to be enjoyed and exercised without hindrance or molestation until resumed, or otherwise delegated by the Legislature.

The committee believe they have now fully answered the questions submitted to them, and the views expressed by them are respectfully submitted to the consideration of the Senate.

The committee, in conclusion, will barely remark, that the exercise of legislative powers, where it interferes with corporate rights, is a delicate exercise of power, and should not be resorted to unless the public interest will be greatly subserved.

LEVI BEARDSLEY,

*Ch'n Jud. Committee.*



**IN SENATE,**

**March 27, 1832.**

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**MESSAGE**

**From the Governor, relative to the adulteration of  
Potash.**

**TO THE LEGISLATURE.**

**GENTLEMEN,**

I consider it my duty to lay before you the accompanying correspondence.

Document No. 2 contains the first information which I received of the existence of the abuse of which its writer complains. On the receipt of that letter, I felt the propriety of inquiring farther into the matter, and addressed a note, (Document No. 1.) to Professor Beck, the very learned and distinguished Principal of the Academy in this city. He gave immediate attention to it, and I received from him documents No. 3 and 4.

Number 4 is a memoir from the pen of Lewis C. Beck, M. D., the learned Professor of Chemistry in the same institution. This memoir confirms the statements in Document No. 2, in relation to the existence of the fact of the adulteration of Potash, its mode and effect. It also gives a concise and lucid view of the chemical principles by which the adulteration is effected, as well as the very simple method of detecting it.

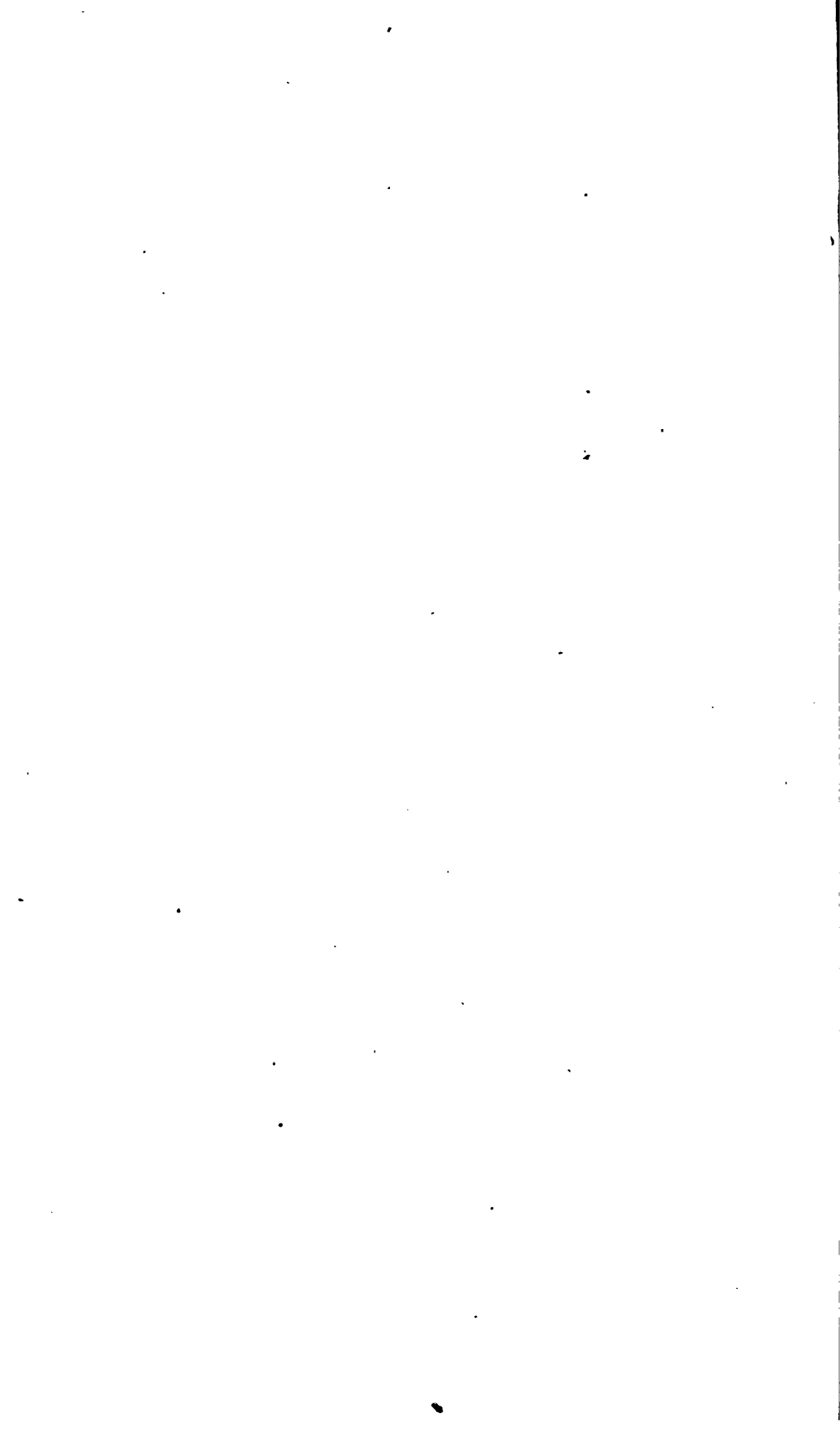
I can add nothing by way of illustration, nor can I conceive that any arguments are necessary to urge your attention to the subject, for the purpose of speedily providing a remedy.

**E. T. THROOP.**

*Albany, March 27, 1832.*

[S. No. 94.]





## DOCUMENTS.

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### [No. 1.]

*Copy of a Letter to T. Romeyn Beck, M. D.*

*Saturday Morning, March 10, 1832.*

DEAR SIR,

I send you herewith a letter which I have lately received, in relation to a new and ingenious method of adulterating potash.

The matter concerns an important article of commerce, and if the facts and conclusions of the letter writer are tenable, the attention of the Legislature should be called to a correction of the abuse.

I know of no person more competent to give me satisfactory advice upon this subject than yourself, and if you have leisure to attend to it, I am sure that no person would more cheerfully lend his services in this way to promote the public interest.

With this apology for troubling you, permit me to subscribe myself,

With very great respect,

Your obedient servant,

E. T. THROOP.

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### [No. 2.]

*February 28, 1832.*

To His Excellency ENOS T. THROOP.

SIR,

I am persuaded that, to secure your attention to the following suggestions, I need only assert their aim to be the public good; which fact too, I doubt not, will plead my apology for addressing one of your station, to whom I have not the honor of being personally known.

It may not, perhaps, be familiar to you, that within the last year or so, a supposed improvement in the manufactory of potash has been very generally introduced into this State. It consists chiefly in the addition of a certain quantity of common salt (one pound to each bushel,) to the ashes, before adding the water to extract the alkali. The result is, a gain of about twenty per cent in the quantity of potash obtained from any given quantity of ashes; which potash is so pure in appearance that it has passed inspection, and been branded as "first quality."

If my views of chemistry are correct, the above process, instead of yielding a greater quantity of potash, introduces a most danger-

ous adulteration, amounting in weight to more than the quantity of salt used.

For the common salt, muriate of soda, (or according to the newer nomenclature, chloride of sodium) is decomposed, and muriate of potash, (or chloride of potassium,) and soda remain: thus a part of the potash which might have been procured is destroyed, being converted into a muriate, and there is the additional adulteration of the amount of soda which existed in the salt made use of to effect this purpose.

This fraud must operate with peculiar severity upon the consumer, since if the same amount of adulteration was made with sand or stone, those articles could easily be separated by "solution" and "filtration;" but now, when for any purpose of art pure potash is needed, I scarce know any method by which it could be procured from the article adulterated in the manner above described. It is presumed that many who are engaged in making potash in this way are unconscious of the dishonest character of their conduct.

The evils of this state of things are obvious: 1st, It must destroy the character of our potash in the foreign market, and make the trouble and expense of inspection of no avail: 2d, If such potash is suffered to pass for best quality, it holds out by the operation of law, a premium of more than 20 per cent to induce the manufacturer to be dishonest.

A third bad consequence is this, many persons engaged in making potash, who are sincerely desirous of doing uprightly, are in doubt how to act. If they attempt to manufacture the unadulterated article, they are thrown out of employment, because they can not afford to pay so high a price for ashes as their neighbor, who makes on the "patent plan," and they dare not risk the sending to market a large quantity of the "new fashioned potash," lest its inferiority should in the mean time be discovered, and by its being pronounced "unbrandable" they should be totally ruined.

I am assured too, from a very respectable source, that many fair-dealing men, in various parts of the country, are at this moment engaged in making the last mentioned article, in the full belief that it is of the best quality, and will command the highest price; and if they are permitted to proceed to make up their whole winter stock in this way, and are eventually disappointed in their reliance on the market, (as they must and ought to be,) it will doubtless reduce from competence to absolute want, many worthy and industrious individuals.

I would respectfully submit to your Excellency whether this may not be a fit subject for a communication, from yourself to the Legislature. The remedy might be found in requiring of the inspectors, instead of relying on ocular observation, (which I am informed is the present mode,) to apply the appropriate chemical tests, such as nitric acid of a given strength, &c. to determine the purity of the article submitted to their examination.

For the increase of trouble, if proper, allow an increase of compensation. By this means all inducement to fraud would cease to operate, the purest potash would be made, it would maintain a high character, command the highest price, and all parties, both manufac-

turers and consumers, would be gainers. The progress of the patent manufacture might be at once arrested, by making it known, through the public prints, that potash made in this way would not receive the approbation of the inspector.

Lest the motive of this communication should be misapprehended, it is proper to state, that I am not now, never have been, and never expect to be, in any way, concerned in the production or commerce of potash. If it should be necessary to adduce my name, in substantiating the facts above stated, I have no objection to its being used; otherwise, I would prefer not to be known as concerned in this matter.

Very respectfully, yours, &c.

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[No. 3.]

*Copy of a Letter from T. Romeyn Beck, M. D.*

*Albany, March 12, 1832.*

DEAR SIR—

In reply to the communication which you were pleased to forward to me, I beg leave to refer you to the accompanying paper, from my brother, Dr. Lewis C. Beck. His attention was called to the subject of the adulteration of potash last summer, and several specimens submitted to him were analyzed, with a view of ascertaining their impurities. I beg leave to add my full concurrence in the means that he suggests for the future inspection of potash, as indeed the only ones by which the character of that article can be raised in our own and foreign markets.

With great respect, I remain,

Your most obedient servant,

T. ROMEYN BECK.

His Excellency ENOS T. THROOP,

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[No. 4.]

*On the adulteration of commercial Potash, by Lewis C. Beck.*

During the last summer I was called on by Mr. Van Benthuisen, an inspector of potash in this city, with sundry specimens of potash, for the purpose of having them submitted to a chemical examination. About the same time, I was also requested by a large dealer in the article, residing in the south-western part of the State, to examine some specimens of potash said to have been manufactured by a new process, and which, so far as I could learn, consisted in

the addition of an extra quantity of lime mixed with the ashes, and the use of hot instead of cold water as the dissolving agent.

From the experiments which I made upon the specimens which I had thus received, I was at once struck with their impurity, especially when compared with the American potash examined by the celebrated French chemist, Vauquelin, in the early part of the present century. Upon further examination, I was satisfied that this great deterioration was owing to the addition of various substances, either through ignorance of their operation, or with the designed purpose of fraud. Considering this an article of great importance to the State, I suggested to Mr. Van Benthuisen that it would be a proper subject for legislative interference, and recommended to him a communication of the facts to your Excellency.

Since that time, I have examined the subject more in detail, and have ascertained that the adulteration of potash by lime and common salt and other substances, is becoming quite extensively practised. Two patents have already been secured, which need only to be read to convince almost any person how greatly the processes proposed to be pursued must injure the purity of the potash. If I am correctly informed, several manufacturers have already adopted one of these processes, with the mistaken idea that a larger amount of the alkali can be thus obtained.

In order to make my views on this subject more clear, I will briefly state the principles upon which the pure commercial potash is obtained.

The more probable opinion concerning the formation of the carbonate of potash (which is the state in which commercial potash occurs,) by the incineration of wood, is that the acetate of potash exists in the wood, and that this, by calcination, is converted into the carbonate. The wood is burned upon the earth, in a situation protected from the wind, the result of which is the formation of carbonate of potash, and several other soluble salts, together with some substances upon which water has no action. By lixiviation with hot or cold water, the alkaline part is dissolved out, and this solution, when boiled to dryness, leaves behind a dark brown saline mass, consisting of carbonate of potash, a minute portion of one or two other salts, and a small quantity of vegetable inflammable matter; and in this state it is known in commerce by the name of *Potash*.

Calcination at a moderate heat, completely burns off the coloring particles, and the salt becomes of a spongy texture, and beautiful bluish white tinge; it is then called *Pearlash*.

Such are the simple principles upon which these articles are manufactured. But instead of following them, various substances are added, either previous to, or during the process of boiling, *ostensibly* for the purpose of facilitating the manufacture; but which *REALLY* have the effect of increasing the weight of the resulting mass, at the expense of its purity. Of these substances, lime and common salt are perhaps at present the most extensively employed.

*Lime*.—This substance operates very differently when mixed with the ashes, from what it does when thrown into the clear lixivium. In the former case the lime combines with the carbonic acid of the carbonate of potash, and forms an insoluble carbonate of

lime, which remains unacted on by the water, while the potash is rendered more pure. This, indeed, is the process by which chemically pure potash is obtained. But when the lime is added to the clear liquor, and then boiled up without a second filtration, a large quantity of carbonate of lime (common limestone) is the result. This fraud can be detected by the want of solubility in the potash, and the effervescence of the insoluble portion upon the addition of a dilute acid.

*Common salt.*—The addition of this substance to the lixivium, is a most dangerous fraud, as it injures the quality of the potash, while its presence cannot be very easily detected. The reason of this will be evident from the fact long known to chemists, that when common salt is added to carbonate of potash in solution, a double decomposition takes place, the result of which is the formation of muriate of potash and carbonate of soda; the former being wholly useless, the latter being employed for other purposes than those to which common potash is converted.

The danger attending this adulteration is, that muriate of potash is a deliquescent salt, and highly soluble in water, agreeing in these respects with the carbonate of potash. Carbonate of soda is also soluble, so that by the ordinary mode of inspection, such samples of supposed potash would probably be branded as first quality.

From these facts it is evident that unless a more efficient mode of inspection is established, the time is not far distant when our potash will be completely driven from the market. The mode of inspection must of course depend upon chemical principles, as the solubility of the potash and the effect of acids of known strength upon it.

When potash is adulterated with substances of little solubility, the fraud may be detected by ascertaining how much of one ounce will dissolve in two or three ounce measures of pure water. The pure salt will completely dissolve in two parts of water. But when substances of easy solubility are used for adulterating potash, as for example common salt, they may be detected as follows: The inspector should be furnished with a quantity of sulphuric acid, of uniform strength. It should be ascertained by experiment, exactly how much of this acid is required to neutralize a given quantity of pure potash. Having ascertained this fact, one ounce (or more) of the potash to be inspected is dissolved in water, and to the clear solution a known quantity is added carefully, until the alkali is perfectly neutralized, a point which can be determined by test papers of litmus or turmeric.

Having ascertained the exact amount of this acid necessary to neutralize the ounce of potash under examination, it is easy to determine the quantity of pure potash; for as the quantity of acid required to neutralize one ounce of pure potash is to the ounce, so is the amount of acid expended to that of pure potash in the specimen under inspection. To avoid the necessity of testing the acid for the purpose of determining its neutralizing power, acid of uniform specific gravity may be employed. According to Dr. Henry, the best that can be used for this purpose, is sulphuric acid of the specific gravity of 1.141. Of this, 355 grains by weight are equivalent to the saturation of 100 grains of carbonate of potash. Dissolving,

therefore, that quantity of the potash to be inspected in water, and gradually adding the test, so as to produce neutralization, we learn, by the quantity of acid expended, the quantity of real carbonate which has been acted upon; for as 355 is to 100, so is the weight of the test which has been used to the number required.

This or a similar mode of inspection is, in my opinion, the only one which will meet the case of the fraud which seems now to be so extensively attempted. Perhaps, however, a more complete chemical analysis of the samples of potash brought to our market, would suggest some modification of the process.

LEWIS C. BECK.

IN SENATE,

March 28, 1832.

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REPORT

Of the committee on banks and insurance companies, on the engrossed bill from the Assembly, entitled "An act to incorporate the president, directors and company of the Leather Manufacturers' Bank."

Mr. Allen, from the committee on banks and insurance companies, to which was referred the engrossed bill from the Assembly, entitled "An act to incorporate the president, directors and company of the Leather Manufacturers' Bank,"

REPORTED :

That they object to the passage of this bill, because, so far as they are enabled to gather from its provisions, and the accompanying documents, it appears to be for the sole accommodation of a particular class of citizens; and the committee, therefore, object to the incorporation of a bank, for the sole use or benefit of persons dealing in a particular article of trade.

Banks are public institutions, and ought, in no case, to be chartered unless the public convenience and the general interests of the community require them. They ought to be open to every branch of business, instead of a monopoly in the hands of those following a specific one.

The present city banks, as the committee have reason to believe, are governed upon this general principle, and the directors, therefore, are selected by the stockholders from the various branches of trade carried on in the metropolis. Thus it will be found that the manufacturers and dealers in leather are represented in five of the



city banks, viz: in the United States branch bank, in the North River bank, in the Phoenix bank, in the Mechanics' bank, in the National bank, in each of which they have at least one director, and probably in others.

They object, second, because, in their opinion, the present banking capital, in the city of New-York, is amply sufficient for every legitimate purpose of trade, and as large as can be profitably employed.

Goddard, in his statistical view of the monied institutions of the city of New-York, for 1831, states the total amount of banking capital, at \$19,611,200; and that the dividends paid their stockholders, in that year, was \$953,960, which on the whole capital is less than five per cent per annum; but, as some of these banks made one half yearly dividends only, and others omitted to make any dividend during the year, the per centage on the capitals of those who did divide, would amount to about six per cent per annum.

The amount of paper discounted is stated at \$95,389,996. This calculation, however, is predicated upon the amount of dividends paid the stockholders, and no allowance is made for the discounts by those banks who omitted to divide, or the amount of discounts expended for the support of all the institutions, in the payment of rent, salaries and other contingencies; which would, on a moderate calculation, including the loans of the trust company, bring the amount of paper discounted during the year, to one hundred and twenty millions of dollars at least.

The income derived from the prosecution of any branch of business, be it what it may, is a good criterion, in the opinion of the committee, to judge whether it will bear an investment of additional capital or not; and as the profits derived from the use of the present banking capital, in the city of New-York, on an average, does not exceed five per cent per annum, it appears conclusive, to the minds of the committee, that more banking capital can not be profitably employed in that city.

They object to the passage of this bill, in the third place, because in their opinion additional capital, under present circumstances, will only induce additional speculation, leading to an undue extension of business and credits.

There were five additional banks chartered, for the city of New-York, during the last two years, whose united capitals amounted to \$2,200,000; and as each bank is authorised to loan their capital and credit to twice and a half the amount of their capital, the additional loans of these five banks, probably, amounted to four millions of dollars at least.

For the purpose of loaning this new capital and credit, inducements to borrowers may have been held out, either to the customers of the other banks, or to new ones; such as a reduction in the rate of interest charged at other banks, or the offer to discount paper having a long time to run, or to discount accommodation paper, or to discount to any extent required.

Money thus obtained, and with a confident expectation of obtaining loans whenever required, must, naturally, lead to overtrading. Thus the merchant increases his importations from abroad; the shop-keeper increases his stock of goods, and the mechanic increases the number of his workmen and manufacturing operations. By this means, the importations and productions far exceed the consumption and demand; and then comes the turn of the merchant, shop-keeper and mechanic to hold out inducements to their customers, in order that sales may be made of the commodities thus accumulated, either by proposing a reduction in price, or an extension of credit. A reaction takes place, and the banks are compelled, for their own salvation, to lessen the facilities they have afforded; the accommodation notes are curtailed, and periodical payments on them are called for; the long notes are thrown out, and the customer who was promised all he would require, is informed the bank has no money to loan. How a bank can have no money to lend, is thought by some borrowers very strange; but when it is known that more than half the loans of a bank consists of its credit only, the wonderment ought to cease. To this state of things follows the usual complaint of the scarcity of money, when in fact, it is only bank credits that are scarcer than they had been; and in order to remedy the supposed scarcity, more bank incorporations are applied for, as a salvo for all the evils and difficulties experienced.

If it shall be expected by any one, that the chartering of the bank under consideration will be the means of adding to the capital now in operation, that expectation, as we think, will not be realized.

The bank is avowedly requested for the purpose of accommodating a particular class of citizens ; and in order that the institution may be kept under their control, as well as to remunerate for the time and expense of obtaining the charter, care will be taken that the whole, or a large proportion of the stock, shall be distributed to them, and none other.

One of the reasons urged by the applicants for a charter is, that the wants of that particular branch of business require the use of more banking capital ; consequently, they have no capital of their own unemployed, and in order to pay for this stock, therefore, they must either withdraw a portion of the capital from their business, or borrow it. If it shall be borrowed from the banks now in operation, or if it shall be withdrawn from their business, in either case, so soon as the new bank is enabled to commence their discounts, the money thus withdrawn, or borrowed, will be returned in the bills of the new institution to its former investment ; and it is in this way, that the capital of a bank may be paid in, and probably is thus paid, in more instances than one.

Instead of increasing capital, therefore, it is increasing credit merely. Bank bills are increased, and the only and truly available funds in the possession of the institution, for the redemption of the bills of a bank thus carried into operation, is the deposits of its dealers, from which the specie held by the institution is altogether derived. Every thing else consists of a credit on the responsibility of the notes discounted.

The committee object in the fourth place, because the solvency of the institutions now in existence, as well as the safety of the community, require that a limit should be fixed to the creation of banks, beyond which the Legislature ought not to go.

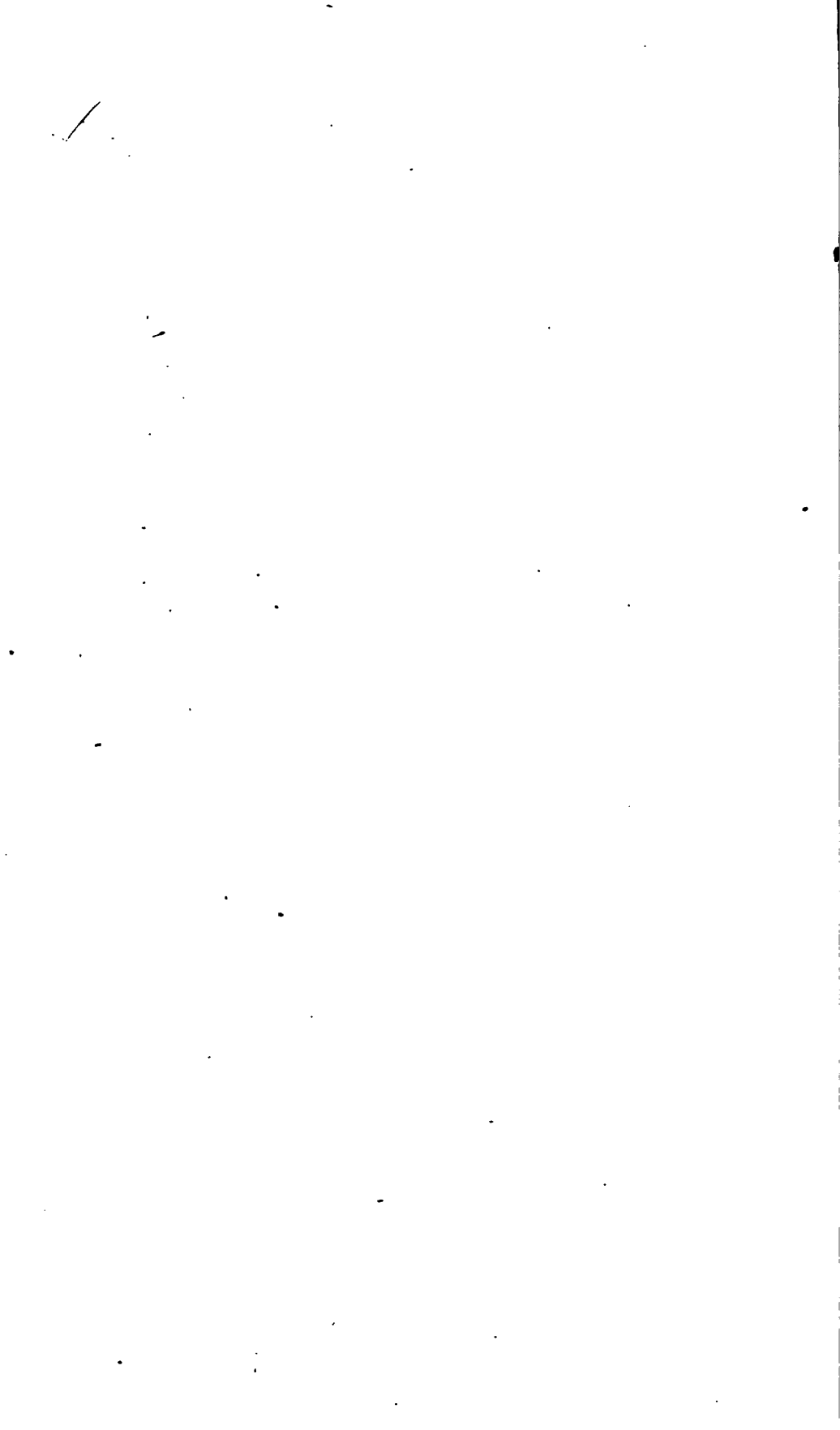
To that limit, in the opinion of the committee, has the banking capital in the city of New-York arrived. To add to it, therefore, would not only injure the institutions now in operation, but may be the means of continuing the present embarrassment experienced by the public. The committee will only revert to the amount of paper discounted during the last year, and the small interest received by the stockholders for the use of their capital, to establish the first position ; and the result produced on the money market, from the bringing into operation the five new banks, to establish the second.

The whole banking system of this State depends on the confidence of the public in the solvency of these institutions ; destroy this, and you destroy the whole fabric. But can this confidence be sustained, if the Legislature shall, at every session, continue to add to the banking capital, and consequently, to the power of throwing into circulation an annual addition to the amount of paper money ?

The committee are of opinion, if the system of creating new banks, which has been pursued for the last three years, is to be annually acted on, even as it relates to the State in general, and especially as it relates to places where there is so large an amount already, as in New-York, that there is danger the whole system may be overthrown, and the prosperity of the State thereby prostrated.

One of the evils anticipated under the present system of banking was, the rush upon the Legislature for additional banking incorporations ; and the experience of the past, as well as the present year, has amply confirmed the correctness of this anticipation: It will require, therefore, a strong effort on the part of the present, as well as future legislators, to withstand the torrent of these applications, and the strong, earnest, and unwearied solicitations of their friends.

For the foregoing reasons, the committee are of the opinion that the bill to incorporate the president, directors and company of the Leather Manufacturers bank, ought not to pass into a law.



**IN SENATE,**

**March 30, 1832.**

**REPORT**

**Of the Commissioners of the Land-Office, on the petition of John J. Campbell.**

The Commissioners of the Land-Office respectfully submit the following report upon the petition of John J. Campbell, referred to them by the honorable the Senate, on the 11th January last.

Lot No. 14, of the tract of land known as the Fish-Freek reservation, east side, containing one hundred acres, was sold to John J. Campbell on the 20th day of July, 1810, for the sum of \$300; the first payment of \$38 was made, and his bond taken for the balance, \$262. Subsequent to that date, the following payments were made upon the lot, as shown by the books in the Comptroller's office, and by the following persons, to wit :

|                 |                            | Interest. | Principal. |
|-----------------|----------------------------|-----------|------------|
| 1812, April 15. | By cash, J. Brodock, ..... | \$27 29   | \$13 71    |
| 1813, Jan. 20.  | " " B. Kelsey, .....       | 11 37     | 8 63       |
| 1814, July 30.  | " " J. J. Campbell, .....  | 22 00     | 48 00      |
| 1815, June 30.  | " " J. J. Campbell, .....  | 10 56     | 24 44      |
| 1817, Jan. 15.  | " " J. Brodock, .....      | 15 45     | 24 55      |
| 1817, March 31. | " " H. R. Storrs, .....    | 2 12      | 27 88      |
| 1819, Oct. 2.   | " " W. Wright, .....       | 17 29     | 4 70       |
| 1822, Oct. 23.  | " " W. Wright, .....       | 20 00     |            |
| 1825, June 29.  | " " Adam J. Campbell, ..   | 17 91     | 32 09      |

Such are the entries of the payments upon the books, showing the sum of \$105 paid by the petitioner directly, besides the first payment of \$38, and making in all \$143, upon the supposition that he made the whole of the first payment; on what *rights* the other persons have paid, the Commissioners have no means of determining, and they therefore cannot say whether the payments have been

made by them from an interest possessed in the land, or as the mere agents of the petitioner to bear and deliver the money. Still the sequel will show, that one of these parties claimed an interest in a part of the lot, and the closing statement of the petitioner would seem to corroborate the claim.

The lot sold to the petitioner contained one hundred acres of land, and was so sold to him for \$3 per acre, or \$300 for the lot. No separate account has ever been opened with any individual for any part of the land, but it all stood upon the books, up to the time of the re-sale, charged to the petitioner. This he seems to have forgotten, and in the petition, which he swears he has heard "carefully read, and that the same is true in all respects," he states that the whole lot contains *seventy acres*.

The payment above mentioned, on the 29th day of June, 1825, was the last payment made upon the lot previous to the re-sale. That payment was in full of the interest up to that day, and \$32.09 upon the principal, and seems to have been made by Adam J. Campbell.

In the fall of the year 1829, the Comptroller caused to be prepared and presented to the Commissioners of the Land-Office, a list of the lots standing upon the books of his office upon which more than two full years of interest remained due and unpaid, as by the law he is directed to do; and the Commissioners, in their direction as to the lots which should be re-sold, and the bonds which should be delivered to the Attorney-General for prosecution, not being able to learn any thing as to the personal responsibility of this petitioner, put his lot upon the list for re-sales. The necessary directions were given in their resolutions to the Surveyor-General and Attorney-General, and the time at which the re-sales should take place was fixed for the 15th day of January, 1830. The advertisements for the re-sales were prepared and sent out by the Surveyor-General, the board having concluded, in order to give more extended publicity to the sales, to group the counties, which could be done without a great addition of expense, and to order the lands in each county to be advertised in several counties as well as in the State paper. In pursuance of this design, all the lands to be re-sold situate in the counties of Oneida, Onondaga, Cayuga and Madison, were directed to be advertised in the State paper and in one paper in each of those counties; and all the lands to be resold, situate in the counties of

Otsego, Schoharie, Greene, Cortland, Onondaga, Tompkins, Seneca and Broome, were directed to be advertised in the State paper, and in one paper in each of those counties.

By a mistake in preparing the notices, the lots in the Fish-Creek reservation, which are situate in Oneida county, were inserted in the latter group, and consequently were advertised in the counties of Otsego, Schoharie, Greene, Cortland, Onondaga, Tompkins, Seneca and Broome, but were not advertised in Oneida, as the statute requires. The Legislature of 1829 directed a postponement of this re-sale until the 7th June, 1830, and the publication of the first notices were discontinued; still, however, the mistake as to the places of advertising the Fish-Creek lots was not discovered, and eight weeks previous to the 7th June, the time fixed by the Legislature for the re-sale to take place, the same advertisements, with the exception of the lots upon which payment of the interest had been made, were again published for the term of eight weeks, once in each week successively in the State paper, and in one paper in each of the counties where that publication had been originally made.

On the day of sale, it was found that \$78 of principal and \$23.11 of interest, besides \$3, being the cost of double advertising, was charged against and due upon this lot, and that no payment had been made. It was, therefore, offered for sale, and purchased by Richard Van Rensselaer of this city, for \$115, a sum greater than the amount due to the State upon it by \$10.89. He paid the one-fourth of the amount and gave his bond for the residue; and on the 29th day of November after, paid into the Treasury the purchase money and interest in full, and obtained a patent for the lot.

After this patent was granted, and the title of the State vested in him, the discovery was made that the mistake existed as to the advertisement of the lot; but it was then too late to rectify the error. What the Legislature will hold to be the liability of the State, in consequence of this informality, is a matter properly addressed to the wisdom and sound discretion of that body. It may be well, however, to remind them that the claims of the petitioner must be considered purely equitable, and not as possessing any legal validity, even as between individual and individual, inasmuch as the condition of his obligation had been in all respects forfeited, the interest being payable annually, and the principal in six equal annual instalments from the date of the bond, on the 20th of July, 1810. Of the



strict right of the State, therefore, in a legal sense, without the formality of a re-sale, to have held the contract at an end, no doubt can exist; but the Commissioners, by no means, desire to urge an adherence to this rigidity of construction as to the legal rights of the petitioner to his real injury. If, however, it should seem that he had abandoned the expectation of paying for the lot, and that he now seeks to avail himself of a legal informality to obtain a benefit which he was not to secure to himself by a fulfilment of his contract, it surely cannot be unjust or improper for the State to answer his complaint in the language of a strictly legal compliance.

The Commissioners do not assert that this is the design of the petitioner, while they cannot suppose that he should be permitted to urge an ignorance of his liabilities as the ground of even an equitable claim. He must have known that his lot was, by the law, liable to be re-sold, whenever two full years of interest should be suffered to remain in arrear. He must have known that all but five years had past without a payment. He must therefore have been conscious that the contract was in all respects forfeited, and that his rights, if any remained, were in constant jeopardy. Under these convictions, a great degree of watchfulness and apprehension, would, in ordinary cases, be expected; and when it is known that his lot was correctly and regularly advertised for two periods of eight weeks each in the State paper, and that it was also advertised for the same periods in eight other counties of the State, and several of them counties adjoining his own, it would seem somewhat singular that no intimation of the intended sale should have reached him. Yet such may have been the fact.

It has been shown to the Commissioners, and they consider it their duty to communicate the information to the Legislature, that one Jacob Brodock, was, at the time of the original sale of this lot, interested in the land to the amount of thirty acres, and that he made that proportion of the first payment; that he subsequently made the two payments which appear upon the books made in his name, and on the 31st March, 1817, the further payment standing on the book in the name of Henry R. Storrs, which is alleged to have completed the payment of principle and interest for his thirty acres of the lot, and \$11.64 over; that the petitioner subsequently refused to give him an assignment, by which he could obtain title to his share of the lot, at the same time not denying his right, or the fact of his having made the payment. His part of the lot, therefore,

was sold, as well as that claimed by the petitioner, at the resale complained of, and he having deceased, his son purchased the whole lot from Mr. Van Rensselaer to secure himself and the other heirs of his father from the entire loss of the thirty acres for which they had paid, and which payments had gone to the credit of the account of the petitioner of this lot.

The papers annexed, marked A, B, C, D, E, contain the most authentic and material part of the information which the Commissioners have as yet received upon those points. It will be further seen from the paper marked E, that it was reported by Brodock, that the petitioner had, at some period before the re-sale of this lot, made a transfer of his interest in it to his son, and discharged himself under the insolvent laws of this State. If this be so, it would seem to present a strong probability that any equitable claim which may exist against the State in consequence of the informal re-sale of this lot, if any such claim is to be recognized at all, should inure to the benefit of the creditors of the petitioner and not to the petitioner himself; and most surely, if the heirs of Brodock have suffered in being compelled to purchase the whole lot, their own thirty acres being included by his delinquencies in failing to make payments, and in refusing to their ancestor the means of obtaining title to that part of the lot for which he had paid in full, years before; the State in any equitable disposition of the matter, should not overlook their equities, and much less their rights. In this connection, it must again be remarked, as not a little singular, that the petitioner, in the statement of his case in the petition, to the truth of which "in all respects," he has added his solemn oath, has seemed to forget the thirty acres part of the lot he had purchased, but which had been paid for by Brodock, and of right belonged to his children, and says, "that the whole lot contains seventy acres." It is not less singular that in the same petition, thus solemnly verified, the following statement should be found, viz: "and that your petitioner subsequent thereto, and as your petitioner verily believes, up to June, 1830, had paid to the said State the whole sum that was due upon the said lot, except about the sum of seventy-eight dollars"; when it is seen by the abstract from the books, that \$78 was precisely the amount of principal due, and that upon that principal, but thirteen days less than five years had elapsed since any payment of interest had been made, when the re-sale took place in June, 1830.

It is not pretended that precise accuracy in the statement of the account was obligatory upon the petitioner, or was perhaps to have been expected from him, but when his statement gives the precise amount which was due upon the lot, on the 29th day of June 1825, the day on which the last payment was made by Adam J. Campbell, it is submitted that the exhibition of that sum as remaining due in June, 1830, without mention of the lapse of years since any payment of interest had been made upon it, was presenting to the Legislature, under the shape of a sworn petition, a partial and very imperfect state of the facts. If this appearance of a presentation to the Legislature of a favored state of the facts has any reality, it is not aided by the entire omission to notice the interest of the Brodock family in thirty acres of the lot, and much less by the total exclusion of that thirty acres from the lot itself.

The Brodocks, it seems, residing upon a part of this lot, soon learned of the re-sale, and made their application to the purchaser from the State, urging their equities, and the loss they were likely to sustain in consequence of the delinquencies of the petitioner.— This produced an arrangement, and the lot was conveyed by Mr. Van Rensselaer to young Brodock. During this negotiation, nothing is heard of an effort on the part of the petitioner either to correct the error in relation to the sale, or to reclaim the land which he alleges in fact belonged to him, subject to the claim of the State. Still all this may have been done and no knowledge of the sale have yet reached him, though that information had reached the lot, and was possessed by some of its tenants.

These considerations have created doubts in the minds of the Commissioners, whether the petitioner is not rather seeking to avail himself of the legal informality in the advertisement of the lot by the Surveyor-General, to obtain the value of the lot from the public treasury, than pursuing a previously entertained design to have obtained title to the lot itself by a fulfilment of his contract with the State. And if it should appear upon further inquiry, that he has, since obtaining the certificate of the Surveyor-General for the lot, made a general assignment of all his estate for the benefit of his creditors, as is alleged in the paper marked E, then the doubts upon this point would be resolved with a great degree of certainty. In any event, the papers referred to the Commissioners would not authorize them to grant a patent for the lot, if the payment had been made in full by the petitioner, and there were no other claimant be-

fore them. The certificate of the Surveyor-General for the lot, which the law requires should be produced or accounted for before a patent is granted, is not found among the papers. This certificate should be produced, because upon it, or connected with it, ought to be found any assignment or transfers the petitioner may at any time have made of his interest in the lot or any part of it. If there be truth in the allegation that he once transferred the lot to his son, preparatory to his discharge as an insolvent, that fact should appear upon the certificate; or if such was not the fact, and he made his general assignment for the benefit of his creditors, while all his interest in the lot yet remained in himself, then the certificate should have passed to the assignee, and he, if any person, should be the petitioner for relief and indemnity.

There is with the papers a receipt for the first payment of \$38, signed by John Randall, junior, for the Surveyor-General, which the petitioner for some purposes seems to have treated as a certificate for the lot, as there is upon the back of the receipt, an assignment from the petitioner to Dan Taft, of all his interest in the lot, and the payments made upon it, dated 8th April, 1829; and also a re-assignment from Taft to the petitioner, now bearing date the 7th May 1830, just one month before the re-sale of the lot. The dates to this assignment are worthy of examination by the members of the Legislature, and in the opinion of the Commissioners, bear a suspicious appearance, which should be fully explained, before this paper is accepted as evidence that the claim to the lot was in the petitioner at the time of the re-sale. The month and year of the date have been altered in a manner which prevents the reading of the original date, and the time of the transfer, approaching so nearly, as it now appears, to the re-sale, becomes somewhat important in the determination of the rights of the petitioner, while a full explanation of the alteration of the date seems to be due to the petitioner himself to remove from this part of the transaction all suspicion that the actual execution of the paper and its apparent date were not simultaneous.

Still these considerations may appear to the Commissioners to possess an importance as connected with this claim which does not intrinsically belong to them, and they are respectfully suggested for the consideration of the Legislature, without any desire on their part that they should have any other than their just weight upon the subject in hand. The difficulty has arisen from a pure mistake

of the Surveyor-General's office in preparing the advertisements directed. Lot No. 22 in this same tract, and lots No. 3 and 13 in the same reservation west, were sold under the same circumstances as to the erroneous notice. Whether there are persons to claim damages in the other cases the Commissioners are not informed, as they have as yet heard of no such claims.

They concede that an accidental mistake of a public office ought not to be permitted to work real injury to the rights of any citizen, and they feel equally confident that no merely legal informality ought to be made available to any citizen as the foundation of a right or claim which had no real existence otherwise, or which there was no design or power to render available if it existed. The Commissioners also suppose, should the Legislature be of the opinion that the State ought to make remuneration for this mistake, that some doubts now rest upon this claim which ought to be cleared away by further investigations, and a more full exhibition of the facts, before it shall be determined that this petitioner possesses the right, and the sole right to that remuneration; and especially, they suppose that the original certificate of the Surveyor-General for the lot ought to be produced.

The Commissioners will merely add, that this report has been thus long delayed to enable them to inquire into the facts of the case, the situation of the lot, and the interest of the petitioner in it; and, as will be seen, their information is now far from perfect, and is, in their opinion, not such as should warrant a compliance with the prayer of the petitioner.

All which is respectfully submitted,

SILAS WRIGHT, *Jr. Comptroller,*  
A. C. FLAGG, *Secretary,*  
SIMEON DE WITT, *Surveyor-General.*

March, 1832.

**IN SENATE,**

**April 2, 1832.**

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**REPORT**

**Of the Commissioners of the Land-Office, on two  
several petitions of John C. M'Lean.**

The Commissioners of the Land-Office, to whom has been referred by the Honorable the Senate, two several petitions of John C. M'Lean, praying indemnity in consequence of the resale, by the Surveyor-General, on the 16th June 1825, of lots Nos. 69 and 74, in the tract of land known as the Peru Bay tract,

**RESPECTFULLY REPORT:**

That the facts in relation to the first mentioned of the said lots, to wit, No. 69, are, that the lot was originally sold by the Surveyor-General, at the minimum fixed by the Surveyor, being \$98, on the 10th day of March 1814, to Thomas M'Lean, who paid into the treasury, as the first payment upon the lot, the sum of \$13, and gave his bond for the balance, \$85: That subsequent to that time, and previous to the 16th day of June 1825, the following payments of interest were made, to wit:

|                     |                                    |         |
|---------------------|------------------------------------|---------|
| 1817, February 28.  | By cash, Thomas M'Lean, interest,. | \$10 20 |
| 1818, September 17. | " do do do                         | 5 10    |
| 1820, August 1.     | " do do do                         | 10 20   |

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In all,..... \$25 50

These were all the payments made upon the lot prior to the 16th June 1825, and the interest account would on that day have stood as follows, to wit:

Interest at six per cent upon \$85, the principal due, for the  
term of 11 years 3 months and 6 days, ..... \$57 46  
Deduct the payments of interest above, ..... 25 50

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And it will leave of interest due, 16th June 1825,..... \$31 96  
[S. No. 98.] 1

Or a trifle more than six years' full interest upon the land, as no payment of principal had been made upon it from its date.

During the year 1825, a list of lots upon which more than two full years of interest remained due and unpaid, had been made and delivered to the Commissioners of the Land-Office, for them to direct, pursuant to law, what lots should be resold by the Surveyor-General, and what bonds should be delivered to the Attorney-General for prosecution. That distribution was made by this Board ; and this lot, No. 69, Peru Bay tract, was placed upon the list for resale, and the resale was directed to take place on the 16th day of June 1825. The public advertisements required by law, were prepared and published by the Surveyor-General accordingly.

The practice is, after the day of sale is fixed, to cast the interest due upon the lots up to that day, and to insert the respective amounts in a column of the list delivered to the Surveyor-General. That was done upon this occasion ; and the list, in that shape, was delivered by the Comptroller at his office. During the eight weeks for which the lots are by the law directed to be advertised, payments are constantly making, as well upon the lots thus advertised for a resale, as others ; and the Treasurer therefore, as well as the Surveyor-General, is always furnished with a list of the lots ordered to be resold, that if payments are offered, he may notify the parties interested, that the costs of advertising are to be paid at the Surveyor-General's office, and that he may have satisfactory evidence that those costs are paid before he strikes the lot from his list.

These facts will show that another practice is necessary, which is always rigidly observed. The books of the Comptroller's office are always posted up to the morning of the day on which a sale is to commence ; and on the morning of that day, the Surveyor-General's list of lots to be resold is always compared carefully with those books, and every lot upon which payment of interest has been made is stricken from the list. Then the Surveyor-General opens and proceeds with his sale ; and from that comparison, the Treasurer lays by his list as claiming no farther attention or watchfulness. This comparison was made as usual, prior to the sale of the 16th June 1825 ; and from that time the lists were not referred to, as the question of costs would be settled by the sales.

The lot in question was upon the list for resale. When the comparison of the list with the books was made on the morning of the

16th June 1825, the day of the resale, no payment had been made upon this lot; and therefore it was not stricken from the list, but was resold in its order.

The petitioner contends that he paid before the sale of the lot actually took place; but he is not understood to allege that he paid before this comparison was made, and any payment made after that time, was not calculated to prevent the sale of the lot at all. The petitioner seems further to allege that this lot was not sold on the 16th, the first day of the sale. In this allegation or supposition he is undoubtedly mistaken, as the original sales book of the Surveyor-General fully shows. The sale was continued on the 17th, and the lots sold on that day are found with the date of the 17th June 1825 at the head; but this lot stands several pages before that heading upon the auction book. This record evidence cannot be mistaken; and the Commissioners feel confident the Legislature will suppose it, at least, better evidence than the unsupported allegation of an interested claimant. The petitioner further states that he made the payment of the interest upon this lot in the "forenoon" of the 16th June, the first day of the sale. The correctness of his recollection as to this statement, will be tested by the following facts, derived from the day book kept in the Treasurer's office, and confirmed by the day book kept in the Comptroller's office. The entries in the day book of the Treasurer on the 16th June 1825, were unusually numerous, and amounted to forty-six in the whole. The eighth entry was a payment made for Thomas M'Lean, by John C. M'Lean, this petitioner, of \$45, being the interest upon lot No. 45, Peru Bay tract, the same tract of land in which the lot in question is situate. This payment is regularly entered upon the day book of the Comptroller, and constitutes entry number ten of the day upon that book. The original list of lots ordered for resale is yet remaining in the Surveyor-General's office, and this lot, No. 45, Peru Bay tract, is upon it; and against it, an entry of the payment of the costs of advertising, \$2, is made, of the date of the 16th June 1825. This lot was stricken from the list in making up the auction book, which is made on the morning of the sale, and after the comparison between the list and the Comptroller's books; and "paid" is marked against the lot upon the list. Here is a payment which the petitioner no doubt made, not only in the forenoon, but in the early part of the forenoon, of the 16th June 1825; and by means of his making it, the lot was exempted from the sale. But when was the lot in question paid upon? The answer is furnished by the same day books.



Entry number thirty-four upon the Treasurer's day book of the same day, is the payment for Thomas M'Lean, by John C. M'Lean, of \$25, for interest upon lot No. 69, in the Peru Bay tract, being the lot in question. It has been stated that the number of entries during that day upon this book were unusually large, and amounted to forty-six in the whole. This payment then, being entry number thirty-four, is about at the close of the third quarter of the day's work. It must be known to the Legislature, that the hours of business at the Treasurer's office are from 9 to 12 o'clock A. M. and from 2 to 5 P. M.; and this being a heavy day's business, it cannot be probable that three-fourths of it was completed in the first three business hours. The petitioner must therefore have confounded in his recollection the payment he made upon lot No. 45, with the payment made upon this lot, so far as the time of making the payment is concerned. There are also other facts which corroborate this construction. The law in force regulating the payments of money into and from the Treasury, on the day when these payments were made, is to be found in the first volume of the Revised Laws of 1813, folio 477, section 9, and is in the following words:

"IX. *And be it further enacted*, That no monies shall be paid out of the treasury of this State, except on the warrant of the comptroller; and that all receipts for money hereafter to be paid to the treasurer, shall be taken to the comptroller, who shall countersign the same, and enter them in the proper book or books for that purpose, in his office, to the credit of the person by whom such payment shall be made; and no receipt, unless so countersigned, shall be good evidence of such payment."

It has been before related, that the first payment made by the petitioner on the 16th of June 1825, being the interest upon lot No. 45, was so entered in the Comptroller's office, and that the lot was consequently stricken from the list of resales. The payment subsequently made on the same day for the interest upon lot No. 69, the lot in question, was not entered in the books in the Comptroller's office, from the receipt of the Treasurer, at all. Hence, at whatever time of the day the payment was in fact made, it could not have exempted the lot from the sale, because the payment did not appear upon the Comptroller's books at the time when the list of resales was compared with those books, for the purpose of making the auction book. The petitioner states that on the same day, and immediately after he made the payment, he presented the receipt of

the Treasurer to Ephraim Starr, then deputy comptroller ; and that he then countersigned the same. Mr. Starr is unfortunately dead, and therefore his testimony in this matter cannot be obtained. But the Commissioners believe that the information to be derived from the books falls little short of positive testimony, to show that in this statement the petitioner is again mistaken, and that here also he must have confounded the payment made by him in the early part of the day, upon lot No. 45, with the payment made in the after part of the day upon the lot in question.

In order to cause the testimony of the books to be fully understood and appreciated, it will be necessary to premise that accidents of this kind frequently occur, and that persons making payments into the treasury, either from want of a knowledge of the law, from haste and forgetfulness, or from some other cause, often take their receipts from the treasury without presenting them at the Comptroller's office for entry or countersignature ; that these omissions have produced the necessity of a regular comparison between the day book of the Treasurer and that of the Comptroller ; that such comparison is constantly made at the close of each month, if not made more frequently ; that the discrepancies almost invariably discovered upon this comparison have established the practice of leaving a space at the foot of the entries of each day, upon the Comptroller's day book, for the entry of any payments which, upon the comparison, may be found entered upon the Treasurer's day book and not upon the Comptroller's ; and that, to mark the mode of entry upon the Comptroller's book, and to show that it has not been done from the receipt itself, the only proper authority for the entry, the book-keeper, by whom the comparisons are made, makes these entries in the space left for them, often out of their proper order, always at the bottom of the regular entries of the day to which they belong, and always *in red ink*. This the Commissioners have learned, from examinations upon oath of the book-keepers in the Comptroller's office, is as settled a rule of keeping the day book of that office as any other rule which governs any of the entries made in the office books. They all testified that they had never known a red ink entry, of the kind spoken of, made from any other authority than that of a comparison with the books of the Treasurer, as before related.

The payment made by the petitioner of the \$25, of interest upon the lot in question, is found upon the Comptroller's day book, enter-

ed in red ink at the bottom, entirely, of the black ink entries of the 16th June, 1825, in the hand writing of the present book-keeper of the office, and in no other way or place, and the Commissioners had occasion formerly to examine this book keeper, as to this particular entry, together with another similarly situated, when he testified that he made the entries from the Treasurer's day book, in the course of the comparison before spoken of, and in no other way and from no other authority. Here then is proof positive that the receipt for this payment was not entered in the Comptroller's books at the time the payment was made : and, therefore, even upon the supposition that the payment had been made in time, could not have prevented the sale of the lot. But the petitioner alleges that the receipt is countersigned by Ephraim Starr, the then deputy comptroller. This may well be true, for if the receipt had been presented at the Comptroller's office, at any time after the entry of the payment had got on to the books of that office by comparison with the books of the Treasurer, as before stated, the Comptroller, or his deputy, upon examining the entries of the day of the date of the receipt, and finding the red ink entry, which would show that the Treasurer had been charged with the money, would countersign the receipt, to make it evidence of payment under the law above quoted. This they would do without any further entry upon their book, no further entry being required to check the Treasurer, and to secure the credit to the person making the payment, the only two objects for which that book is kept.

But the petitioner goes farther and alleges that this receipt was countersigned by Mr. Starr immediately upon its being given by the Treasurer, and on the same day. This is accusing Mr. Starr of gross neglect or of a great dereliction of official duty, and that in relation to one of the most common transactions of his office. The keeping of the books, and especially of the day book, of the office, was under his particular supervision, and the entry of receipts and checks is a necessity known to exist, not only to the persons in the office, but to every person who has an ordinary business acquaintance with it. The countersigning of the receipts, in the practice of the office, falls almost exclusively upon the deputy comptroller, and no man can know better than he does that his countersignature is but the evidence of the proper entry of the receipt in the books. To those then, who know the high reputation of Mr. Starr for official attention and faithfulness and care, as well as the Commissioners of

the Land-Office knew him when alive, it will not be necessary to say that much stronger evidence than the mere statement of an interested individual, thrown into a petition to the Legislature, will be required to impeach the faithfulness of that officer, or to induce the belief that he had been guilty of the neglect here charged, either to the injury of the State or of any of its citizens. The Commissioners are, therefore, compelled to conclude that, in this assertion also, the petitioner has confounded the receipt taken for this payment with that taken for the payment made by him on the same day upon another lot. The books show that his statement applied to that payment would be true, and that that lot was saved from the sale, by reason of his compliance with the law. And this fact, so far from going to corroborate his statement, in relation to the payment made upon the lot in question, must be looked upon as tending strongly to invalidate it, because, in that case Mr. Starr is found to have discharged his duty, and the petitioner to have reaped the benefits of his doing so, in the exemption of his lot, at the latest hour, from the re-sale.

It may not be improper here to remark, that the petitioner owes it to himself to explain the reason why the payment of the interest was not made by him upon lot No. 69, at the same time of the day when he made the same payment upon lot No. 45, which did prevent the sale of the latter lot, and no doubt would equally have prevented the sale of the former. This difference in the time of making the payment of interest upon the different lots, when it is remembered that the payments were finally made upon the same day, and that that was the day of the sale, must strike every one as singular, and does seem to the Commissioners to carry suspicion upon its face, either of culpable negligence on the part of the petitioner, or of some design to his own advantage.

Another consideration crowds itself upon the minds of the Commissioners, arising from the relation of the petitioner, that, after having made the payment of interest and costs upon lots No. 69 and 74, he went to, and attended the sale of the Surveyor-General, from the opening to the close, on the same day on which the payments were made; that he watched the sale to ascertain whether either of these lots were sold, and that he is able to state positively that neither of these lots were sold on that day. By a reference to the notices, the Commissioners learn that the sale was advertised to commence at the Capitol at ten o'clock in the morning of that day, and from the

Surveyor-General they learn that the sale was opened at about that hour. It has been before related that the entry upon the Treasurer's day-book of the payment made by the petitioner upon lot No. 69, was the 34th payment entered upon that book during that day, and the book will show that the payment upon lot No. 74, was the next, being the 35th entry. To make this statement true, then the Treasurer must, between nine and ten o'clock in the morning of that day, have completed about three-fourths of an unusually heavy day's business. But even if this were credible, the Commissioners cannot abstain from asking, why should the petitioner have attended the sale to guard these lots, if he had made the requisite payments, and got the legal evidence that he had done so before the sale opened? They do think the case, as now presented, is not favorable to the petitioner, in this sense, and the original sales book positively disproves his assertion, that the lots were not sold on the 16th June, 1825.

It is thus shown that the petitioner had forfeited his contract with the State, by default in the payment of the interest upon the lot in question, and that more than six years of interest was due at the time of the re-sale.

It follows that the lot was rightfully ordered for re-sale, and it is not questioned that the advertisements were regular and according to law.

No payment to stop the re-sale is pretended until the day fixed for the sale to take place, and it is positively shown that the payment, when made, was not entered in the Comptroller's books.

The Commissioners also assume that it is positively shown by the original auction book in the Surveyor-General's office, that this lot was re-sold on the 16th June, 1825.

The only questions which remain, then, are,

1st. Was the payment made in time to render it obligatory upon the Surveyor-General to stop the sale of the lot?

2d. Did Mr. Starr, the then deputy comptroller, countersign the receipt for this payment without entering it in the office day book, in violation of his official duty?

To support the affirmative of either question, there is no evidence whatever, save the unsupported allegation of the petitioner, the party interested in showing the sale wrong.

To sustain the negative of the first question, the evidence of the Surveyor-General shows that the sale was opened in the early part of the day fixed for it, and at about the hour designated in the notices; and the evidence of the Treasurer's day book, which the Commissioners think proves conclusively that the payment was not made till the after part of that day. They therefore consider it established beyond a reasonable doubt that the payment was not made in time to have prevented the sale of the lot, even if the receipt had been presented and regularly entered in the Comptroller's books as soon as it was received from the hand of the Treasurer, even if it was made before the lot was in fact sold, which does not, from the books, seem probable.

If the Legislature should agree with the Commissioners in this conclusion it will settle the controversy against the petitioner and render an answer to the second question unnecessary. But if an answer to that is important, it must be arrived at from balancing the weight of evidence between the unsupported allegation of an interested petitioner, and the official conduct of a public officer now deceased, and whose reputation and official accuracy and faithfulness have never yet been impeached, taken in connection with the probabilities of the whole transaction, and the whole relation of the petitioner, which probabilities seem, to the Commissioners, to make strongly against the petitioner, and strongly in favor of the officer.

The whole claim is predicated upon an error in the public officers, or rather in an omission of duty on the part of one of them. If that point is not established, the claim falls, and the Commissioners feel bound to say, that they consider the facts as derived from the public records before referred to, strongly, to establish the default of the petitioner in making his payment of interest, until the time for making it, to avert the sale of his lot, had gone by, and to furnish no evidence whatever, in corroboration of his assertion as to the fault or omission of the officer.

If, however, the Legislature should be of a different opinion, and should consider the petitioner entitled to restitution, they will of course decide that the sale of the lot was void, and as it has not been

pretended they will have it in their power, if they shall think that course advisable, to restore to him the lot, instead of paying to him the sum of money he asks, and which may be much more than the present value of the land. Of its present value, however, the Commissioners have no information, and they only make the remark from the fact that \$98 was its appraised value in 1814.

The second petition relates to lot No. 74, in the same tract, and every fact, heretofore stated in relation to lot No. 69, is precisely applicable to lot No. 74 also, so far as the justice and equity of the petitioner's claim to any allowance is concerned.

The Commissioners, therefore, in relation to this lot, refer to the foregoing remarks, and to their conclusions from the facts stated, as fully applicable to this petition. They are aware that a law has been already passed in the petitioner's behalf, in relation to this lot, and that he has received from the treasury, in pursuance of it, the sum of \$145.21, a sum greater by \$10.21, than that at which the State originally sold the whole lot; and they are ready to suppose that this fact, will be taken as an adjudication upon the legality and justice of the claim. This is a matter which the Legislature will determine for itself. The opinion of the Commissioners is given in accordance with what they believe to be their duty, in answer to the reference made, and as the subject upon its merits, is now for the first time referred to this Board, they express that opinion respectfully, but truly, as it is found from the facts, without reference to any previous acts of the Legislature, as they are not informed upon what representations those acts were passed.

Inasmuch as the Commissioners have come to a conclusion unfavorable to the merits of the claim of the petitioner, they might perhaps with propriety excuse themselves from noticing the specific grounds of claim set forth in the report of the committee on claims, referred with the petitions. But as some of the particular grounds of claim enumerated, involve the action of the Board under the law referred to, an omission to notice them might be construed into an admission of their justice. They will therefore be briefly reviewed, premising that the Commissioners consider, so far as their opinions are concerned, that the original claim is without equity, and therefore, that all these specific grounds of claim, bottomed upon that, must fall with it.

*First*, then, is the claim for compensation for procuring the passage of the law of 1830, in the petitioner's favor. This is a claim peculiarly addressed to the Legislature, as it is a call upon them to pay for the "trouble and expense" of the petitioner in advising and informing their predecessors as to what laws they should pass. The Commissioners do not feel disposed to express any opinion as to the justice or propriety of this ground of claim, any farther than to say that it is new in its character to them, and that they have not heretofore understood that it was the policy of the State to pay for such services, even where the laws sought to be obtained were founded upon valid claims, much less when the claim is, to use the mildest language, very doubtful.

*Second*. The costs of a mandamus to this Board are claimed, together with a remuneration for the "delays and expenses" encountered in causing the execution of the law. The Commissioners have no other answer to make to this claim than that contained in a communication made by them to the Assembly on the 29th January, 1831. (See Assembly Document, No. 72, of 1831.) That document, and the succeeding history of the case, will shew that there was a difference of opinion among the Commissioners themselves, as to the construction of the law of 1830, for the petitioner's relief, and the construction contended for by the petitioner was different from that adopted by either section of this Board; that thus circumstanced, the Board communicated the whole statement of the difficulties to the Legislature, and asked instructions as to their duty; that the Legislature took no order in the premises; that the Board was left, not agreeing among themselves as to the rule of compensation to be pursued under the law, and none of them agreeing with the construction contended for by the petitioner without instructions; that in that situation, they concluded to let the judicial tribunals give the construction to the law, and to follow the instructions thus given; that an alternative mandamus was issued, to which this Board made a return, and that a peremptory mandamus followed, which was with all convenient speed obeyed by the Commissioners, and the payment from the treasury of \$145.21, made to the petitioner pursuant to its directions; that this sum was accepted, and received by him, and the Commissioners supposed the whole claim as to that lot was finally settled. They have only farther to add, that, as they are informed, if this application for a mandamus had been between individual and individual, no costs could have been recovered, and they are not informed that in this case the Supreme Court



adjudged costs, as they had the power to do under the existing statutes. Under this state of facts, the claim is one subject to legislative jurisdiction only, for surely the petitioner could recover nothing from any other tribunal.

*Third.* A claim is instituted because the Commissioners did not give notice to the petitioner of the persons by whom, and the time when the value of the lot on the 16th day of June, 1825, was to be ascertained. The Commissioners have looked in vain, in the law, for any obligation upon their part to give this notice. They do not find it there stated, either directly or impliedly, that the petitioner shall have such notice. Indeed, they do not find the law directing them to appoint appraisers at all, unless they should choose that course to ascertain the value of the lot. The mandate of the act, in this particular, was, that the Commissioners should "ascertain and certify" the value of the lot on the day referred to, and it had not occurred to them that they were not at liberty to "ascertain" this value in their own way, and without any correspondence with the petitioner. They had no personal interest in the matter, but were the mere agents of the Legislature. The petitioner produced witnesses before them as to the value of the lot, and they took their testimony. That testimony will be found annexed to document No. 72, of the Assembly Documents of the last session. It was entirely unsatisfactory to the Commissioners, as to the real value of the lot. When, therefore, the Court made its final order, they immediately appointed the Hon. Josiah Fisk, now of the Senate, and the Hon. Asa Adgate, of Chesterfield, in the county of Essex, as Commissioners to appraise the lot. These Appraisers were requested to go on to the lot; to examine it particularly in all respects; to appraise its cash value on the 16th day of June, 1825; and to distinguish between their valuation of the soil of the lot, and the improvements made thereon. This they did, and the valuation was :

|  |          |
|--|----------|
| Lot 74, Peru Bay tract, 173 acres, at \$1.50 per acre,.... | \$259 50 |
| Improvements, including part of an old saw-mill,.....      | 43 00    |

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In all,..... \$302 50

From this was deducted the amount due to the State upon  
the lot on the day referred to, ..... 157 29

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Leaving to be paid to the petitioner,..... \$145 21

These were all the instructions given to the Appraisers. No one of the Commissioners, nor any person for them, was with, or saw the Appraisers after their appointment, until their return was made ;

nor did it occur to them that it was of any importance that they should be attended by the petitioner, or any person for him. They believed them to be more fully competent to discharge the trust confided to them, and entirely above being influenced in their judgment as to the value of the property, from any quarter; and they appointed them for these reasons. Their confidence in the persons selected is yet unimpaired; and with these explanations, this part of the claim is respectfully submitted to the action of the Legislature.

*Fourth.* A claim for error in this appraisement is made, on the ground that the valuation is too low. In relation to this specification, the Commissioners have no remarks to make, which are not found under the third item of claim last commented on. In short, they cannot perceive any very distinct ground of claim under one of these heads, which will not necessarily fall under the other; as it is difficult to discover what damage the petitioner could have sustained, by not receiving notice of the persons by whom, and the time when the valuation was to be made, unless it should proceed from the fact that the valuation was too low.

To sustain this point, the petitioner presents to the Legislature an affidavit of Michael Morehouse, valuing the lot, on the 16th June 1825, at \$4.50 per acre; and another affidavit of Thomas Stower, valuing it on the same day at \$4 per acre. The Commissioners have nothing to remark in relation to these affidavits, any further than to add that the Appraisers made their valuations from actual inspection, and that their confidence in its correctness remains unshaken.

*Fifth.* The claim is made for the payment of \$35 for interest, and \$2 for the costs of advertising made upon this lot on the 16th June 1825, by the petitioner; being the same payments which are claimed to have made the sale of the lot erroneous. It is true that these sums were both included in the amount for which the lot was resold; and therefore the payments by the petitioner were erroneous, and ought to have been refunded to him. The same is also true of the payment of \$25 for interest, and \$2 for cost upon lot No. 69. These sums, amounting together to \$64, together with interest thereon from the time of their payment into the treasury, to the time of their being refunded to the petitioner, the Commissioners consider the utmost extent of the equitable claim which he has ever had upon the State, arising from all the facts in relation to these two lots; and inasmuch as they fully believe that these payments were made

in his own wrong, they consider that the allowance of interest even upon them, would be a matter of pure equity on the part of the State, and not of claim on the part of the petitioner. If the Commissioners are right in this view of the case, and a settlement should now be made between the petitioner and the State upon these principles, the account would stand as follows :

On the 21st of December 1831, there was paid to the petitioner out of the treasury, pursuant to the law of 1830, the sum of..... \$145 21

Deduct payments made by him on the 16th June 1825, as follows :

|  |         |       |
|--|---------|-------|
| Interest on lot No. 69, .....  | \$25 00 |       |
| Costs of advertising the same lot, .....   | 2 00    |       |
| Interest on lot No. 74, .....  | 35 00   |       |
| Costs of advertising the same lot, .....   | 2 00    |       |
| Interest upon these payments, \$64, at 6 per cent,<br>from the 16th June 1825, to the 21st December<br>1831, 6 years 6 months and 5 days,..... | 25 01   | 89 01 |

And it will leave of the sum the petitioner has already received, beyond the amount to which the Commissioners suppose he was entitled, ..... \$56 20

*Sixth.* A claim to interest upon the \$145.21 paid to him under the act of 1830, from the 16th June 1825, to the time of the payment, is interposed. According to the view the Commissioners take of the whole case, they can make no remark as to this part of the claim. There certainly is no foundation for it, but in the general power of the Legislature to grant to any citizen of the State what sums they please, and upon such cause as shall satisfy that body. In the exercise of this power, it would be as indecorous as it is undesirable for the Commissioners to attempt an interference. They will therefore only remind the Legislature, that the final order of this Board for the payment of the money, was made on the 20th May, 1831 ; that a copy of that order was delivered to the petitioner's counsel, on the day following ; and that from that time to the 21st of December after, the delay of payment was not the fault of the State, but that of the petitioner.

All which is respectfully submitted,

SILAS WRIGHT, JR. *Comptroller.*

SIMEON DE WITT, *Surv. General.*

A. C. FLAGG, *Secretary.*

*Dated Albany, 31st March, 1832.*

IN SENATE,

April 3, 1832.

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REPORT

Of the committee on roads and bridges, on the petition of the president and directors of the Canajoharie and Palatine Bridge Company.

Mr. Westcott, from the standing committee on roads and bridges, to whom was recommitted the petition of the president and directors of the Canajoharie and Palatine Bridge Company, and to which committee was also referred the subsequent petition of the same company, respectfully submits the following

REPORT :

In the petition first referred to your committee, and now recommitted to them, the petitioners ask for authority to call on the stockholders for an additional sum, not exceeding ten dollars on each share of stock held by them respectively ; and also for an extension of the time limited for repairs, under certain circumstances. Upon this petition, a majority of the committee submitted their report on the sixth day of March, adverse to the claims of the petitioners ; and upon now reviewing the subject, they perceive no good reason for a change in the opinion they then expressed.

By the petition *recently* presented, and now for the first time referred to the committee, the petitioners ask for relief by provisions of a different character from those sought for in their first application. They represent that the value of their stock, which originally cost twenty-five dollars a share, is now so far depreciated as to be worth no more than six dollars ; and that notwithstanding they were permitted by the law of 1831, amending and extending their charter, to receive additional subscriptions at fifteen dollars a share, yet under the reduced value of their stock, they were unable to obtain any addition to their capital.

It is alleged, and no doubt truly, that the bridge is so much decayed that immediate preparation for rebuilding it is indispensable ; but that the company are wholly destitute of the means necessary for that purpose. They therefore pray for the passage of an act, authorising them to receive additional subscriptions of stock at six dollars a share, not exceeding in the whole of such new stock four hundred shares.

The committee have no doubt that the whole enterprise has been an unprofitable and unfortunate concern to the company ; and as the bridge is of great public utility and convenience, it seems proper to extend every safe and just facility, as well for public advantage as for the relief of the company. A bill has been prepared in accordance with the views of the petitioners, which the committee respectfully ask leave to introduce.

**IN SENATE,**

**April 9, 1832.**

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**REPORT**

**Of the committee on agriculture, on the engrossed bill from the Assembly, entitled "An act to encourage the propagation of the mulberry tree, and the culture of silk."**

**The committee on agriculture, to whom was referred the engrossed bill from the Assembly, entitled "An act to encourage the propagation of the mulberry tree, and the culture of silk,"**

**REPORT:**

By the first section of this bill, it is made the duty of the Secretary of State to cause to be compiled and printed, a concise manual, to contain the most correct information respecting the growth of the mulberry tree, and the culture of silk, with plain and suitable directions for every part of the process; and to cause to be purchased such a quantity of white mulberry seed as he may have the means of doing, out of the monies appropriated by this act, after the cost of the compilation and the printing two thousand five hundred copies are paid for; and to distribute the books and seed in each county in the State, in proportion to its extent and agricultural productions, as near as may be. And for these objects, the second section appropriates one thousand dollars.

It is unquestionably true that every encouragement ought to be extended for the development of the resources of the country, and for explaining and inducing the most profitable directions to the general industry of our citizens; and that course which shall best contribute to the attainment of these desirable objects, well merits the fostering care and judicious appropriations of the government.

The manufacture of silk is among the most important productions of any country, and particularly so to the people of the United States, who are consumers of the article to a great extent ; but like other things, it can only arrive at perfection, or even an advanced stage of improvement, by the practical experiments of men of experience in that particular article.

This subject is now under consideration in the House of Representatives of the United States ; and it seems probable that every necessary facility will be extended by the National Legislature, for the accomplishment of all that can be hoped for from this bill. The culture of silk is now in a course of trial, to considerable extent, in the eastern States ; and if it can be made sufficiently productive, the ingenuity and perseverance of our eastern brethren afford a sufficient assurance that its advantages will be fairly tested and demonstrated.

It is admitted that great practical skill is necessary in producing the raw material, and in manufacturing the fabrics suitable to our wants and our commercial operations. The compilation and critical instructions required by the terms of the first section of the bill, is imposed upon the Secretary of State ; and although his talents and experience so eminently qualify him for the appropriate duties of his high and responsible station, yet it is presumed that he makes no claims to that particular kind of experience and information so indispensable to a correct and efficient performance of the duties imposed upon him by this bill.

Should we, however, admit the full propriety of this imposition of duty, and a result adequate to the full development of this difficult subject, still it may be well doubted whether the kind of compilation and distribution contemplated by the bill would not fall still born, in ninety-nine cases out of every hundred. While we have enlightened and experienced men in every section of the Union, capable and willing to explain and demonstrate the results of their efforts, through the numerous periodical publications of the country, which find their way to almost every dwelling, your committee can not doubt that the means for all necessary information will be more effective and general than can be afforded in the way contemplated by the bill.

The third and fourth sections of the bill purport to authorise the superintendents of the poor to employ the paupers under their charge in the culture of the mulberry tree, and the manufacturing of silk :

but it appears to your committee that these provisions are nugatory, inasmuch as the 16th section of the first title of chapter 20 of the first part of the Revised Statutes, provides all the powers proposed in this bill.

Although the appropriation contemplated is of little consequence, as an item in the expenditures of this State, yet if it be not likely to produce an adequate benefit to the community, it must be the plain duty of the Legislature to refuse it.

From the best consideration your committee has been able to give this bill, they have been led to the conclusion that it ought not to pass.





**IN SENATE,**

**April 9, 1832.**

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**REPORT**

**Of the Commissioners of the Land-Office, in compliance with the resolution of the Senate, relative to improved lands belonging to the State, and which are rented.**

The Commissioners of the Land-Office, in obedience to a resolution of the honorable the Senate, in the words following:

**"STATE OF NEW-YORK, }  
In Senate, March 16, 1832. }**

*Resolved*, That the Commissioners of the Land-Office submit to this Senate, a statement showing the improved lands belonging to the State, which are rented; their location; when and to whom rented; on what terms; the estimated quantity of such improved lands; and the amount as near as may be, of the balances of rent unpaid.

"By order,

**"JOHN F. BACON, Clerk."**

**RESPECTFULLY REPORT:**

That the schedule annexed exhibits a statement of all the lands leased by this board, and upon which there appears, by the Comptroller's books, to be any rent in arrear, or upon which there is at present any subsisting lease, whether there be rent in arrear or not; as well as the location of the lands; when and to whom rented, and for what terms, and the amount of rent in arrear in each case. It is impossible for the Commissioners to estimate the quantity of improved land covered by any of these leases as separated from the whole quantity of land, as they have no official document giving the information; and though that fact may have been generally under-

stood, at the time of the execution of the respective leases, no mention is made of it in the indentures, nor is any other evidence of that fact found upon the files of the board.

The Commissioners have thought it well to add to the information called for, a statement of the measures which have been taken to collect these arrears of rent, and the causes of the outstanding amounts; and in reference to the reason assigned by the Attorney-General, for a failure of collection in several cases, where the arrears were short of fifty-dollars, they respectfully suggest that some remedy for the collection of similar amounts, due to the State, ought to be provided by the Legislature.

All which is respectfully submitted,

*Albany, April 6, 1832.*

SILAS WRIGHT, JR. *Comptroller.*

A. KEYSER, *Treasurer.*

SIMEON DE WITT, *Surv. General.*

GREENE C. BRONSON, *Att'y Gen.*

## STATEMENT,

Shewing the improved lands belonging to the State, which have been leased by the Commissioners of the Land-Office, and on which leases, according to the books of the Comptroller, there are rents in arrear.

| <i>Name of lessee, and description of the premises leased, &amp;c.</i>  | <i>Rent in arrear.</i> |
|---|------------------------|
| <b>George Acker</b> —Lot No. 9, in the Onondaga residence reservation, containing 159 acres. Lease dated Feb. 19, 1822. One year from March 1, 1822. Annual rent reserved, \$25. The Attorney-General reports that a suit was commenced on the lease, and that the writ was returned <i>non est</i> . The lot was sold March 13, 1823,.....   | \$25 00                |
| <b>Benjamin Barton</b> —A tract of land on the Niagara river, known by the name of the Stedman farm, containing 671 acres. Lease dated Sept. 7, 1805, to continue till the first day of May, 1813. Annual rent \$200. This lease was delivered to the Attorney-General for collection in the year 1825, and is now found returned to the Comptroller's office, but no explanation can be given why collection was not made, and there is nothing entered on the register of the late Attorney-General on the subject. The lot was subdivided and sold on the 24th Feb. 1829,..... | 833 34                 |
| <b>Edmund Bramhall</b> —A parcel of land in the town of Canaan, in the county of Columbia, mortgaged to the State by Elijah Hulbert, and estimated to contain 50 acres, [but found to be only 25 acres.] Leased for one year from April 1, 1823. Rent reserved, \$40. The Attorney-General reports that a suit was commenced on the lease, and that the writ was returned <i>non est</i> . The land was sold to Bramhall, Dec. 2, 1823; patent given without warranty of title,.....  | 40 00                  |
| <b>Horace Brooks and Chauncey Harmon</b> —Lot No. 225, late Oneida reservation, containing 175 acres. Leased for one year from May 1, 1825. Rent \$20. The Attorney-General reports that the amount of rent being under fifty dollars no suit was brought, as, by the Revised Statutes, if the recovery did not amount to \$50 the defendant is entitled to recover costs against the plaintiff.  |                        |

Name of lessee, and description of the premises leased, &amp;c.

Rent in arrear.

|   |          |
|---|----------|
| <b>Anthony Deforest</b> —Lot No. 31, in Kingsbury, Washington county, containing 100 acres. Leased for one year from May 1, 1821. Rent \$50; twenty dollars of which were allowed for fencing the farm. The premises were sold Oct. 15, 1821. The Attorney-General reports that suit was commenced on the lease, but that the writ was returned <i>non est</i> .  |          |
| <b>David Driggs</b> —"All the buildings appropriated to the manufacturing of woollen cloth at Mechanicville, in the county of Saratoga, together with two dwelling-houses attached thereto. Leased for one year from May 1, 1820. Rent \$500. The Attorney-General reports that Driggs is gone off; that the sheriff of Saratoga county could not learn where he went. The Mechanicville property was sold April 10, 1821,..... | \$500 00 |
| <b>Epaphroditus Emmons</b> —Three and a half acres of the Studman farm. Leased for one year from May 1, 1819. Rent \$30. The Attorney-General reports that a suit was commenced on the lease; that Augustus Porter wrote him that the defendant was insolvent, therefore the Comptroller gave directions to stop the suit,.....   | 30 00    |
| <b>Martin Frey</b> —Eighty acres of land in the towns of Amsterdam and Mayfield, in the county of Montgomery. Leased for one year from December 1, 1820. Rent \$30. Lease renewed for one year from Dec. 1, 1821. Rent \$52.50. The Attorney-General reports that a suit on the lease was carried to judgment; execution issued and returned <i>nulla bona</i> . The land was sold Oct. 17, 1822,.....                          | 15 00    |
| <b>Jacob Feeck</b> —A parcel of land in Middleburgh, Schoharie county, containing 32½ acres. Leased for one year from May 1, 1824. Rent \$25. The Attorney-General reports that a capias was issued, but returned <i>non est</i> . The premises were sold January 23, 1828,.....  | 25 00    |
| <b>Donald Fraser</b> —Lots No. 55 and 56, of the village of Black Rock. Leased for one year from May 1, 1829. Rent \$18. The premises have not been sold. This rent will be paid,.....  | 18 00    |
| <b>James Goodhue</b> —Lot No. 51, north side of State-street continued, in the city of Albany, on which stood an old frame house. Leased for one year from May 1, 1822. Rent \$30. Renewed for one year from May 1, 1823. Rent \$30. This lot was sold January 15, 1824, and the Commissioners of the Land-Office allowed the purchaser \$7.50 of the rent in arrear if he could collect it                                     |          |

Name of lessee, and description of the premises leased, &amp;c.

Rent in arrear.

|   |  |         |
|---|--|---------|
|   | from the lessee. The Attorney-General reports that Goodhue had left Albany when the lease was placed in his hands, and that he had not been able to ascertain where he was,.....   | \$33 00 |
| <b>Ebenezer Holmes</b>                      | —Forty acres of land in the town of Palatine in the county of Montgomery, mortgaged to the State, by Walter L. Cochran. Leased for one year from the first day of May, 1828. Rent \$10. The premises were sold Dec. 14, 1830,...   | 10 00   |
| <b>Cornelius Higgins</b>                    | —A small piece of ground at the head of the basin, being part of the arsenal lot, in the city of Albany. Leased for one year from May 1, 1831. Rent \$14. It will not become due until the first of May next.  |         |
| <b>Samuel Hollister</b>                     | —Lot number one of the Oncida purchase of 1824, containing 26 acres. Leased for one year from May 1, 1825. Rent \$10. The lot was sold to Samuel Hollister, April 29, 1826. The amount of rent due being under \$50, no suit was brought, as, by the Revised Statutes, if the recovery does not amount to more than \$50 the defendant is entitled to recover costs against the plaintiff,.....  | 10 00   |
| <b>Gates Hoyt</b>                           | —Lot No. 44, township No. 7, Old Military tract, Franklin county, containing 159 acres. Mortgaged to the State by Gates Hoyt. Leased for one year, from April 1st, 1823. Rent \$42. The rent was too small to enable the Attorney-General to recover costs, and the Attorney-General farther learned that Gates Hoyt was wholly insolvent, .....   | 42 00   |
| <b>Stephen Jacobs</b>                       | —The whole of the Stedman farm, except 3½ acres leased to Epaphroditus Emmons. Leased for one year from May 1, 1819. Rent \$100. The defendant was insolvent; therefore the Comptroller directed to stop the suit, .....   | 100 00  |
| <b>Benjamin Knowler and Malachi Whipple</b> | —All the unsold lands in the towns of Preston and Pharsalia, in the county of Chenango, which were mortgaged to the State by Benjamin Butler, containing 4185 acres. Leased for one year from April 1, 1828, at a rent of \$375 per annum; it being understood that the said lease should continue from year to year for five years, if the said lands should not in the mean time be sold: \$100 to be allowed for the first year, \$50 for the second, and \$50 for the third year, for fencing the premises: The wood land to be preserved, except so far as should be necessary for fire wood and fencing timber. There is no rent in arrear on this land. |         |

| Name of lessee, and description of the premises leased, &c.  | Rent in arrears. |
|--|------------------|
| <b>Thomas Laing</b> —Part of lot No. 2, great lot 1 of the 19th allotment of Kayaderosseras patent, situate in the town of Northumberland in the county of Saratoga, containing 52 acres. Mortgaged to the State by the said Thomas Laing. Leased for one year from May 1, 1828. Rent \$55.50. The land was sold September 28, 1829. Laing is wholly insolvent, .....  | 55 50            |
| <b>Duncan P. McNaughton</b> —Part of lots 69 and 70, Sacandaga patent, situate in the towns of Amsterdam and Mayfield in the county of Montgomery, recovered on a judgment against John A. Vosburgh by the State, containing about 80 acres. Leased for one year from May 1, 1819. Rent \$56. The Attorney-General reports, that a suit was commenced on the lease, and carried to judgment, and execution issued, and returned <i>nulla bona</i> . This land was afterwards leased to Martin Frey, and sold in 1822, .....  | 56 00            |
| <b>Isaac Payn</b> —A lot of ground in the second ward of the city of Albany, on the north side of the Albany and Schenectady turnpike road, with an old farm house thereon, formerly belonging to Ralph Smith. Leased for one year from May 1, 1824. Rent \$20. This lot was subject to a ground rent reserved by the Dutch Church, which the lessee was bound to pay. There were two tenants, and Mr. Payne had only one-half of the house and lot. The premises were sold June 14, 1825. In consequence of Mr. Payn's death, the arrears of rent could not be collected, ..... | 10 00            |
| <b>William Phillips</b> —Lot No. 224, late Oneida reservation, situate in Vernon, Oneida county, containing 175 acres. Leased for one year from January 1, 1822. Rent \$52.50. If he should purchase the lot within the year, the rent was then to cease. The Attorney-General reports that Phillips had gone off, and could not learn where. The lot was sold in 1827, .....  | 20 50            |
| <b>Isaac and Platt Smith</b> —Part of the Stedman farm on the Niagara river. Lease dated 24th March 1823; from date of lease, to October 1, 1823. Rent \$100. It appears that one Jesse Ware had got possession of the said farm before it was leased to said Isaac and Platt Smith; and when they attempted to take possession of the premises, Ware prosecuted them for trespass, and recovered two judgments against them; so that in fact they never got possession under the lease, .....   | 100 00           |

*Name of lessee, and description of the premises leased, &c.*

*Rent in arrear.*

|   |       |
|---|-------|
| <b>Abraham L. Viele</b> —Subdivision No. 10, lot 43, Hoosick patent, Rensselaer county, mortgaged to the State by said Viele, containing 96 acres. Leased for one year from April 1, 1827. Rent \$70. The Attorney-General reports that a suit was commenced on lease, carried to judgment, execution issued, and returned <i>nulla bona</i> . The land was sold April 12, 1828,..... | 70 00 |
| <b>John E. Waterman</b> —Lot No. 3, New-Stockbridge purchase of 1825, containing 85 acres. Leased from March 28th until the first of July 1826. Rent \$10. The Attorney-General reports that the amount would not enable him to recover costs, and that the result of a prosecution would be a loss to the State, .....   | 10 00 |





**IN SENATE,**

**April 11, 1832.**

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**REPORT**

**Of the Attorney-General, in obedience to a resolution of the Senate, relative to taxes upon incorporated companies.**

*Albany, April 10, 1832.*

**The Honorable EDWARD P. LIVINGSTON,**  
*President of the Senate.*

**SIR,**

In pursuance of a resolution of the Senate, I transmit herewith a report concerning taxes upon incorporated companies.

I am, with great respect,

Your obedient servant,

**GREENE C. BRONSON.**



# REPORT, &c.

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"STATE OF NEW-YORK, }  
In Senate, March 27th, 1832. }

**"Resolved,** That the Attorney-General report to the Senate his opinion on the following proposition :

**"Is a monied corporation, who has a portion of their capital invested in the capital stock of another monied or other corporation, taxable on their capital, liable to be assessed and taxed on so much of the capital thus invested?"**

The Attorney-General, in obedience to the foregoing resolution of the Senate, respectfully submits the following

## REPORT :

The subject of taxation has always been attended with difficulty, and probably no system for raising revenue has ever yet been devised, which was entirely free from objection. Direct and indirect taxes, charges upon persons and property, and upon property and income, have alternately been adopted and abandoned, and still remain disputed questions among statesmen and legislators.

There is, however, one principle founded in such apparent equity that no wise or just government can entirely lose sight of it, in calling its resources into action. It is, that all burdens upon the people should be equal. Where this end is sought through the medium of direct taxation, it must be made a leading feature of the system, that all property shall be taxed, while no property shall be subject to a double burden.

Perfect equality, in this respect, can not always be attained. The public officers who are to make the necessary assessments, can not acquire all that knowledge of the affairs of the citizen necessary to this end, without being vested with inquisitorial powers, offensive to a free people. But every government can make equity a leading feature in its system of acquiring revenue ; and it is not too

much to assume that such is the basis of our laws concerning taxation, until the contrary shall appear.

On this, as well as on other subjects, it has been found necessary to adopt certain general rules; which, though not entirely perfect in their operation, approximate very nearly to that standard. For example, all real estate is subject to assessment, whoever may be its owner, and notwithstanding the fact that the proprietor may be indebted. This rule must consequently fail of doing exact justice, though it is believed to be as nearly equal in its effects, as any other general rule that could be prescribed.

But in relation to personal property of every description, the law has aimed at perfect equality. For whether it consist of monies or goods, or debts due from solvent debtors in any form, or in public or private stocks, it is all subject to taxation. (1 R. S. 388, sec. 3.) But inasmuch as the creditor may be taxed for the debt, the debtor is entitled to have deducted from the value of his personal effects, (for which the debt may have been contracted, or with which it may be paid,) the amount of his obligation. Otherwise the same property would, in effect, be subject to a double assessment. (1 R. S. 391, sec. 9, sub. 4; also p. 392, sec. 15.) And inasmuch as certain corporations are subjected to taxation upon their capital, the individual stockholders are released from any assessment on that account. (1 R. S. 386, sec. 7; also p. 392, sec. 15.)

Formerly, the stock of incorporated companies could only be taxed in the hands of the individuals who held it. This system did not even profess to reach stock owned abroad; and there is much reason to believe that a large amount of stock, in the hands of our own citizens never came to the knowledge of the assessors. To remedy these defects, the Legislature, in 1823, by a wise policy, imposed the tax immediately on the corporation; and at the same time discharged the individual stockholders. (Laws, 1823, p. 390, sec. 10, 14.) Thus the same law which ensured the assessment of all personal property, carefully guarded against subjecting any portion of it to a double tax.

Whether this equitable rule has been observed, in relation to a corporation having a part of its capital vested in the stock of another incorporated company, is the question presented by the resolution of the Senate. This inquiry principally, if not exclusively, concerns

companies having power to make insurance. Banks do not vest their capital in stocks, or in any other description of property; but have it in active employment, by way of making loans and discounts; and in this mode they derive their profits. And the funds of manufacturing corporations are usually only such as are necessary for carrying on the particular business in which the company is engaged. And a similar remark is applicable to canal, turnpike, bridge and many other corporations. But insurance companies only need their capital for the purpose of paying losses; and as it would at other times remain unemployed, they are allowed to make such investments of it as will render it productive in the mean time; and among other modes of investment, they have generally been allowed to purchase the stocks of other corporations. This mode is particularly advantageous, for the reason that stocks usually have a market value, at which they may more readily be converted into money, to meet the payment of losses, than any other description of property.

If an insurance company, having a portion of its capital invested in stocks, is yet subject to taxation upon its whole capital, it must be obvious to every one, that as to a part of its funds, it will be subjected to a double assessment. That is, if the corporation whose stock it holds, is itself liable to assessment upon its capital.

The thirtieth chapter of the first part of the Revised Statutes provides for the assessment and collection of taxes; and the fourth title of that chapter relates particularly to taxes on incorporated companies. The first section is in the following words:

“§ 1. All monied or stock corporations, deriving an income or profit from their capital, or otherwise, shall be liable to taxation on their capital, in the manner hereinafter prescribed.”

The words “on their capital,” do not necessarily imply that the corporation is to be taxed on the whole amount of its capital, but only point out the manner of making the assessment. Instead of proceeding upon a valuation of its effects as in the case of individuals, the corporation is to be assessed upon capital, as such. That this does not mean the whole amount of capital, is evident from the subsequent provisions of the title; by which the price paid for the lands held by the corporation, and the amount of its stock held by the State, and by literary and charitable institutions, are expressly required to be deducted. Whether the eighth section provides for a further deduction or not, is yet to be considered: but it is evident,

without going further, that "capital" is only used in the first section in the place of valuation; and that the amount of capital to be assessed depends on the subsequent provisions of the title. The words "in the manner hereinafter prescribed," point directly to this construction.

The sixth and seventh sections of the title are material to this inquiry, and are as follows:

"§ 6. The assessors shall enter all incorporated companies, from which such statements shall have been received by them, and the property of such companies, and the property of all other incorporated companies, liable to taxation in their respective towns, in their assessment rolls, in the following manner:

1. They shall insert in the first column of their assessment rolls, the name of each incorporated company in their respective towns or wards, liable to taxation on its capital, or otherwise; and under its name, they shall specify the amount of its capital stock paid in, and secured to be paid; the amount paid by such company for real estate, then belonging to such company, wherever the same may be situated; and the amount of its stock, if any, belonging to the State, and to incorporated literary and charitable institutions:

2. In the second column, they shall enter the quantity of real estate owned by such company, and situated within their town or ward; and in the third column, the actual value thereof, estimated as in other cases:

3. In the fourth column, they shall enter the capital stock of every incorporated company, (excepting manufacturing and turnpike corporations, and marine insurance companies,) paid in, and secured to be paid in; after deducting the sums paid out for all the real estate of such company, wherever the same may be situated, and then belonging to it, and the amount of stock, if any, belonging to the people of this State, and to incorporated literary and charitable institutions.

§ 7. The assessors shall insert in the column mentioned in the preceding section, the cash value of the stock of all manufacturing and turnpike corporations, (to be ascertained by the assessor, by the sales of the stock, or in any other manner,) deducting therefrom the items mentioned in the preceding section; which value, thus ascertained, together with the value of the real estate of such corporations, shall constitute the amount on which the tax of such corporations shall be levied."

Had the statute proceeded no further, there can be no doubt that corporations would have been subject to a tax, either upon the whole amount of their capital, or upon the cash value of the whole amount of their stock, in the case of manufacturing and turnpike corporations; subject only to the specified deductions of the amount paid by the company for its real estate, (which was taxed as land,) and the amount of their stock held by the State, and by incorporated literary and charitable institutions. And if they had invested any part of their capital in the stock of another company, that amount would still have been subject to assessment, notwithstanding it might be taxed as a part of the capital of such other company.

But the eighth section has an important bearing upon this question, and appears to have been adopted for the purpose of meeting this very case. It may be proper, however, in the first place, to notice the fifteenth section of title two, (p. 392,) to which the eighth section refers. That section is as follows :

“§ 15. If any person, whose real or personal estate is liable to taxation, shall, at any time before the assessors shall have completed their assessments, make affidavit that the value of his real estate does not exceed a certain sum, to be specified in such affidavit ; or that the value of the personal estate owned by him, after deducting his just debts, *and his property invested in the stock of incorporated companies, liable under this chapter to taxation on their capital*, does not exceed a certain sum, to be specified in the affidavit, it shall be the duty of the assessors to value such real or personal estate, or both, as the case may be, at the sums specified in such affidavit, and no more.”

The eighth section of title four, is as follows :

“§ 8. The provisions of the fifteenth section of the second title of this chapter, shall be, and are hereby extended to the incorporated companies in the two preceding sections *named* ; and the president, secretary, or other proper officer, may make the affidavit required by said section.”

Under this provision, there can be no doubt that a corporation may have deducted from the amount of its capital, or the value of its stock, as the case may be, its property “invested in the stock of [other] incorporated companies,” liable to taxation. And the only question is, whether this exemption applies to all corporations subject to pay taxes, or whether it is limited to manufacturing, turnpike



and marine insurance companies; those being the corporations particularly mentioned in the sixth and seventh sections, to which the eighth refers. And the whole doubt rests upon the use of the word "named," in this last section. Had the word "mentioned," or "included," or "referred to," been substituted, there would have been no room for this criticism; and it is believed that the word used ought not, in this place, to receive a more limited definition than the others that have been mentioned.

Upon a strict construction, no particular corporations are "named" in either of the two sections referred to. Classes or descriptions of corporations are mentioned, but no one in particular is "named;" and there is nearly the same difficulty in referring this word to manufacturing and turnpike corporations, as there is in considering it applicable to all the corporations included in the sixth and seventh sections, which embrace all corporations subject to taxation. A more enlarged construction of the eighth section will better accord with the equity of the case, and will correspond to the manifest intention of the Legislature, to subject all personal property to a single, but none of it to a double assessment.

This interpretation derives some support from the provisions of the tenth section, which has the following language: "The capital stock of every company liable to taxation, *except* such part of it as shall have been excepted in the assessment roll, *and by the previous sections of this title*, shall be assessed and taxed." Here no such distinction is made, as that furnished by a restricted construction of the eighth section; but the exemption is mentioned, as though it were applicable to all, instead of being limited to particular classes of incorporated companies.

But there is a much stronger reason for rejecting the construction which would limit this exemption to the particular classes of corporations named, at least so far as two of those classes are concerned. It is presumed that no manufacturing or turnpike corporation ever vested any portion of its capital in another incorporated company, even if it were authorised to do so by law. Manufacturing corporations employ their capital in the erection of buildings and machinery, the purchase of materials, and the payment of workmen; and turnpike corporations, in the construction of roads. And if the eighth section only applies to such companies, it might as well have been left out of the statute book, so far as concerns the stock which one corporation may hold in another.

The Attorney-General is therefore of opinion, that an insurance company, or other corporation, upon complying with the provisions of the statute on that subject, is entitled to have deducted from the amount of its assessment, as provided for by the sixth and seventh sections of title four, such amount of its capital as may have been legally invested in the stock of any other incorporated company subject to taxation on its capital.

It is, however, apparent that the question is not entirely free from difficulty ; and it seems to present a proper case for a more explicit manifestation of the intention of the Legislature, either the one way or the other. Further legislation is rendered the more necessary on account of the difficulty that now exists in determining what place, on the assessment roll, should be occupied by marine insurance companies. The sixth section, in providing for corporations in general, excepts these companies along with manufacturing and turnpike corporations. And in providing for the excepted corporations by the seventh section, marine insurance companies appear to have been entirely overlooked. It is subsequently provided in the eleventh section, that these companies, (with others,) when their nett annual income shall not exceed five per cent, shall be entitled to commute for their taxes. But if their annual income shall exceed five per cent, or indeed whatever may be their income, there is a difficulty in ascertaining the manner in which they shall be assessed and taxed, which ought to be removed.

Respectfully submitted,

GREENE C. BRONSON,

*Attorney-General.*

*April 10, 1832.*



**IN SENATE,**

April 13, 1832.

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**MEMORIAL**

**Of a committee of the association applying for the  
Leather Manufacturers' Bank.**

**TO THE HONORABLE THE SENATE OF THE STATE  
OF NEW-YORK.**

The memorial of the undersigned, being a committee of the association applying for an act of incorporation for the Leather Manufacturers' Bank, and a bill having been reported with objections to your Honorable Body, they beg leave

**MOST RESPECTFULLY TO REPRESENT :**

That the provision of that bill, prescribing that a portion of the directors shall be of a *particular class of citizens*, is not peculiar to this charter, as may be seen by the appendix to this memorial, marked A. And your memorialists respectfully represent to your honorable body, that notwithstanding such provisions, those institutions *are open to every branch of business*. Such is intended to be the rule of government of the Leather Manufacturers' Bank, if incorporated ; but your memorialists do profess the belief, that it will be for the interest of the institution to deal largely with *particular classes*.

Your memorialists are aware, that four persons, *being manufacturers and dealers in leather*, are members of existing city banks ; at the same time they do respectfully assure your honorable body, that this *class of citizens* have found it necessary to resort to the banks of other States for discounts, to the amount of some hundreds of thousands of dollars.

Your memorialists hardly need remind your honorable body, that bank currency is the most cheap and convenient measure of value in  
[S. No. 104.]

a highly civilized state ; that such is the currency adopted and legalized by the State of New-York ; and that the amount of bank capital and bank currency of each commercial town, should be in proportion to its wealth, the only legitimate means of making banks—and to its trade, the only legitimate means of sustaining them ; and although it may be difficult to determine the precise proportions, near approximation is attainable.

It will appear by appendix B. that most of the towns of the nation concerned in foreign commerce, possess an amount of banking capital about equal to the aggregate amount of their imports and exports ; whereas the banking capital of the city of New-York is but about one-third of the amount of its imports and exports.

It is believed too, that since the opening of the canals, the inland trade of this city surpasses the inland trade of most other cities, still more than does its foreign trade.

It may be seen by appendix C. that the increase of the aggregate wealth of the city of New-York, has far surpassed the increase of banking capital of that city.

It may be seen by appendix D. that there is no reason to believe that such increase *is supplied from foreign sources, and loaned on the real estate of the city* ; and your memorialists being much conversant with the subject, beg leave respectfully to assure your honorable body, that they had *never doubted*, nor have they ever heard any *business man doubt*, that the apparent increase is real, abiding and permanent ; and that such real increase, during the last five years, far surpasses the apparent increase.

And your memorialists further represent to your honorable body, that it may be seen by appendix E. that the aggregate bank capital of three neighboring States there named, is larger than that of this State ; while their aggregate wealth, their bank specie, their foreign commerce, and their population, is far less than those of this State : And your memorialists most respectfully trust, that your honorable body will come to the conclusion, *that the present banking capital of the city of New-York is utterly inadequate for the legitimate purposes of the trade of that city.*

Your memorialists further respectfully represent to your honorable body, that although all kinds of capital, whether it be agricultural, manufacturing, insurance companies, or other *monied institutions*,

does more or less aid and assist trade and commerce ; and by exchanges and loans, may perform *some of the functions of banking capital*. Your memorialists hardly need remind your honorable body, that no institution, private or public, except banks, have the power to perform that peculiar, essential, exclusive function, viz. the making of bank notes, and creating money or currency.

It may be seen by appendix F. that the city of New-York constantly resorts to the eastern States for enormous bank discounts, from institutions evading every kind of tax or assessments in this State ; while this State is believed to have superior means to create banks, and is known to have far superior means to support them.

Your memorialists further represent to your honorable body, that while it is most clearly evident that the *income or dividends from the prosecution of any branch of PRIVATE business, is a good criterion to judge whether it will bear an investment of additional capital*, such is by no means the proper test for public institutions. It must be known to your honorable body, that the capital invested in public roads, canals, wharves, insurance companies and banks, is often unproductive to the owners ; while the public, who use these institutions, derive great profit from such capital.

Independent of this important consideration it will be perceived by appendix G. that several of the city banks, embracing more than half of the banking capital, divided a fraction more than seven per cent in 1831, and that this rate is principally lessened on the aggregate city capital by several of the banks making none or half yearly dividends, being new charters, and from other causes.

Your memorialists further represent to your honorable body, that although any sudden or great increase of bank capital at any time or for any place, is sure to induce speculation and cause injury, they are not able to perceive that six hundred thousand dollars additional bank capital for the city would have such effect ; they believe the new bank would merely absorb a fraction of the paper which now goes to other States for discount.

Your memorialists further represent to your honorable body, that the statute limiting bank loans to *twice and a half the amount of their capital*, is in a great measure inoperative in the city ; they have reason to believe from appendix H. and from other sources of information, that the aggregate bank loans and discounts in the city,

do not exceed once and a half the amount of their capital. Your memorialists further represent to your honorable body, that it would hardly be possible to *create a new bank in the city without adding to the capital now in operation.* A proportion of the stock of such new banks, never fails to fall into the hands of non-residents, and such portion must cause the removal of an equal amount of capital to the city of New-York.

Your memorialists further represent to your honorable body, that your memorialists have never contemplated or deemed it necessary, *that in order that that institution may be kept under their control, care will be taken that the whole or a large portion of the stock shall be distributed among them.*

It was believed that the provision in the bill, guaranteeing that a portion of the directors should be of particular trades, would sufficiently secure this object; nor did your memorialists ever contemplate *distributing the whole or a large portion of the stock among them, as a remuneration for the time and expense of obtaining the charter.* Your memorialists did contemplate and did hope, that by means of this charter, a large amount of capital now inactive, or now unproductive, would be drawn into active beneficial use. But your memorialists have never intended to represent to your honorable body *they they had no capital of their own unemployed in their business,* and we beg leave to assure your honorable body, that many persons connected with the association, have large surplus capital, which they would gladly invest in the Leather Manufacturers' Bank.

Your memorialists further represent to your honorable body, that they never did contemplate, *in order to pay for their stock, either to withdraw capital from their business, or borrow it from the banks now in operation, and as soon as the new bank is enabled to commence their discounts, return the money thus withdrawn to its former investment.*

Your memorialists are fully persuaded, that such course would be a violation both of law and equity, and they beg leave to express to your honorable body their deep mortification, that it has been deemed necessary for any person to express opinions so injurious to your memorialists.

Your memorialists further represent to your honorable body, that although the existing banks stand somewhat in the character of a

*copartnership or firm, and have claims on the Legislature*, it is respectfully presented, that such claims were not intended to be exclusive; and while the banking business necessarily partakes of the character of monopoly, they respectfully ask your honorable body, may not the withholding charters from places whose increasing wealth and business require them, produce offensive features in that monopoly?

In conclusion, your memorialists respectfully pray your honorable body, to pass the bill for the incorporation of the Leather Manufacturers' Bank, and as in duty bound will ever pray.

GIDEON LEE,  
OGDEN E. EDWARDS,  
MORGAN L. SMITH,  
AUSTIN MELVIN,  
EDWARD K. PRICHETT,  
JON'N. TROTTER.

*Committee, &c.*





## APPENDIX.

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( A. )

### MECHANICS' AND FARMERS' BANK, ALBANY.

Incorporated March 22d, 1811.

Session 34, chapter 64—\$600,000. Section 3. There shall be thirteen directors, one of whom to be president. *A majority of whom at least shall be practical mechanics*, and citizens of this State.

### TRADESMEN'S BANK OF NEW-YORK.

Incorporated March 29, 1823.

Session 16, page 106—\$600,000, reduced to \$400,000. Section 16. *Thirteen* of the twenty directors shall be either mechanics, manufacturers, or persons whose business shall be principally buying or vending goods of American manufacture, or articles of domestic produce.

### MECHANICS' BANK OF NEW-YORK.

Incorporated March 23d, 1810.

Private laws of 1810, page 110—\$1,600,000. \$600,000 of the capital stock shall be exclusively reserved for the mechanics and tradesmen of this State. Fourteen directors. The president of the general society of mechanics and tradesmen of the city of New-York, for the time being, shall be always ex-officio one. Seven of the remaining thirteen shall be members of said society, and four of the seven shall actually follow a mechanic profession.

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( B. )

There is some discrepancy in the various authorities relative to the amount of bank capital in the city and State of New-York.—The banking capital in this sheet is made up from Goddard's history of the banking institutions in Europe and America—page 197 to 228; and from the laws of the State of New-York, from 1808 to 1831, and is intended to embrace the commercial cities only. The exports and imports of the several States is taken from Ingham's report to Congress, 1831, page 262, for the year ending 30th September, 1830. The present Secretary of the treasury makes the

foreign commerce of 1831 to have increased about thirty-three millions. The collector of the city of New-York supposes more than half of this increase to have been in the city of New-York.

### COMMERCIAL TOWNS.

| <i>Banking capital.</i>  |             |                 | <i>Exports and imports.</i> |              |
|--------------------------|-------------|-----------------|-----------------------------|--------------|
| 3 towns, 6 banks, amount | \$1,143,925 | New-Jersey,     | \$21,768                    |              |
| 6 do 15 do "             | 5,651,900   | Connecticut,    | 659,094                     |              |
| 3 do 25 do "             | 6,192,000   | Rhode-Island,   | 767,706                     |              |
| 5 do 38 do "             | 19,275,000  | Massachusetts,  | 17,666,738                  |              |
| 1 do 5 do "              | 950,000     | Maine,          | 1,243,188                   |              |
| 1 do 6 do "              | 737,500     | N. Hampshire,   | 227,012                     |              |
| 3 do 10 do "             | 4,395,250   | Dist. Columbia, | 922,523                     |              |
| 2 do 6 do "              | 3,965,000   | Virginia,       | 5,197,383                   |              |
| 1 do 6 do "              | 6,498,171   | S. Carolina,    | 8,681,650                   |              |
| 3 do 4 do "              | 2,000,000   | N. Carolina,    | 621,325                     |              |
| 1 do 12 do "             | 9,585,000   | Pennsylvania,*  | 12,993,915                  |              |
| 2 do 3 do "              | 730,000     | Delaware,       | 78,832                      |              |
| 1 do 9 do "              | 6,915,700   | Maryland,       | 8,315,348                   |              |
| 2 do 6 do "              | 3,700,000   | Georgia,        | 5,619,062                   |              |
| 1 do 7 do "              | 15,600,000  | Louisiana       | 23,087,775                  |              |
| Bank capital,....        |             |                 | Commerce,..                 | \$86,103,319 |
| 1 town, 20 banks, amount | 18,130,000  | New-York,†      |                             | 55,322,053   |

(C.)

The schedule of wealth in this sheet, is drawn from the records of the State and city comptroller, being the official returns of the assessment valuations for the purpose of taxation. The schedule of banking capital in this sheet is drawn from Goddard's history of the banking institutions in Europe and America, page 197 to 228, and other bank tables.

|       | Valuations of the<br>city of New-York. | Bank capital for<br>the city of N. Y. | Proportion bank<br>capital to wealth. |
|-------|--|---------------------------------------|---------------------------------------|
| 1808. | Real, 21,740,170                       |                                       |                                       |
| "     | Personal, 3,378,550                    |                                       |                                       |
|       |  | 25,118,720 5,490,000                  | 21 p. ct.                             |
| 1809. | Real, 21,477,017                       |                                       |                                       |
| "     | Personal, 3,305,250                    |                                       |                                       |
|       |  | 24,782,267 5,490,000                  | 22 "                                  |

\* Stephen Girard's bank, supposed to be 3,000,000 dollars at least, and the U. States' bank, supposed to be 4,393,000 dollars, not included.

† The Bank Commissioners' report, and the Hon. S. Allen's general report on banks, (1832.) makes the banking capital of the city but 13,061,000 dollars. If the foreign commerce for 1831 is 65,000,000 dollars, and it is believed to have been more, it would be more than three fold the banking capital. If the whole banking capital of the State, say 27,000,000 dollars, is admitted to aid the foreign commerce, it would still be in no reasonable proportion to the commerce.

|       |           |                    |            |    |        |
|-------|-----------|--------------------|------------|----|--------|
| 1810. | Real,     | 22,052,670         |            |    |        |
| "     | Personal, | 3,433,700          |            |    |        |
|       |           | <u>25,486,370</u>  | 6,990,000  | 27 | p. ct. |
| 1811. | Real,     | 22,533,355         |            |    |        |
| "     | Personal, | 3,507,375          |            |    |        |
|       |           | <u>26,045,730</u>  | 7,490,000  | 28 | "      |
| 1812. | Real,     | 22,883,690         |            |    |        |
| "     | Personal, | 3,361,350          |            |    |        |
|       |           | <u>26,245,040</u>  | 11,990,000 | 45 | "      |
| 1813. | Real,     | 23,510,805         |            |    |        |
| "     | Personal, | 4,130,425          |            |    |        |
|       |           | <u>27,641,230</u>  | 11,990,000 | 43 | "      |
| 1814. | Real,     | 52,138,815         |            |    |        |
| "     | Personal, | 25,259,428         |            |    |        |
|       |           | <u>77,398,243</u>  | 11,990,000 | 15 | "      |
| 1815. | Real,     | 55,791,335         |            |    |        |
| "     | Personal, | 25,845,177         |            |    |        |
|       |           | <u>81,636,512</u>  | 11,990,000 | 14 | "      |
| 1816. | Real,     | 57,308,250         |            |    |        |
| "     | Personal, | 24,766,000         |            |    |        |
|       |           | <u>82,074,250</u>  | 14,490,000 | 17 | "      |
| 1817. | Real,     | 57,799,435         |            |    |        |
| "     | Personal, | 21,096,300         |            |    |        |
|       |           | <u>78,895,735</u>  | 14,490,000 | —  | "      |
| 1818. | Real,     | 59,827,285         |            |    |        |
| "     | Personal, | 20,426,808         |            |    |        |
|       |           | <u>80,254,093</u>  | 14,490,000 | 18 | "      |
| 1819. | Real,     | 60,500,295         |            |    |        |
| "     | Personal, | 18,612,766         |            |    |        |
|       |           | <u>79,113,061</u>  | 15,900,000 | 20 | "      |
| 1820. | Real,     | 52,084,328         |            |    |        |
| "     | Personal, | 17,446,425         |            |    |        |
|       |           | <u>69,530,753</u>  | 15,900,000 | 23 | "      |
| 1821. | Real,     | 50,619,720         |            |    |        |
| "     | Personal, | 17,665,350         |            |    |        |
|       |           | <u>68,285,070</u>  | 15,900,000 | 23 | "      |
| 1822. | Real,     | 53,330,574         |            |    |        |
| "     | Personal, | 17,958,570         |            |    |        |
|       |           | <u>71,289,144</u>  | 16,000,000 | 22 | "      |
| 1823. | Real,     | 50,184,229         |            |    |        |
| "     | Personal, | 20,756,591         |            |    |        |
|       |           | <u>70,940,820</u>  | 15,500,000 | 22 | "      |
| 1824. | Real,     | 52,019,730         |            |    |        |
| "     | Personal, | 31,055,946         |            |    |        |
|       |           | <u>83,075,676</u>  | 15,600,000 | 19 | "      |
| 1825. | Real,     | 53,425,895         |            |    |        |
| "     | Personal, | 42,734,156         |            |    |        |
|       |           | <u>101,160,051</u> | 17,450,000 | 17 | "      |

\* The correctness of this item doubtful.

|       |           |            |             |             |           |
|-------|-----------|------------|-------------|-------------|-----------|
| 1826. | Real,     | 64,912,850 |             |             |           |
| "     | Personal, | 42,534,931 |             |             |           |
|       |           |            | 107,447,781 | 17,500,000  | 16 p. ct. |
| 1827. | Real,     | 72,617,770 |             |             |           |
| "     | Personal, | 39,594,156 |             |             |           |
|       |           |            | 112,211,926 | 17,880,000  | 16 "      |
| 1828. | Real,     | 77,139,880 |             |             |           |
| "     | Personal, | 36,879,653 |             |             |           |
|       |           |            | 114,019,533 | 18,330,000  | 16 "      |
| 1829. | Real,     | 76,834,880 |             |             |           |
| "     | Personal, | 35,691,136 |             |             |           |
|       |           |            | 112,526,016 | 17,830,000  | 16 "      |
| 1830. | Real,     | 87,603,580 |             |             |           |
| "     | Personal, | 37,684,938 |             |             |           |
|       |           |            | 125,288,518 | 18,130,000  | 14 "      |
| 1831. | Real,     | 97,221,870 |             |             |           |
| "     | Personal, | 42,058,344 |             |             |           |
|       |           |            | 139,280,214 | 19,611,000* | 14 "      |

( D. )

## Document No. 3. Common Council. Appendix.

During the year ending 1st March, 1831, there was loaned on mortgages of landed property in the city of New-York,

\$6,616,642

Of this sum there was loaned—

|   |                    |
|---|--------------------|
| By individuals residing in the city of New-York,.....   | \$4,136,222        |
| By do do in the State of New-York, and out of the city, | 200,653            |
| By do do out of the State, .....                        | 313,310            |
| By incorporated companies in the city.....              | 1,966,457          |
|   | <u>\$6,616,642</u> |

\*Taken from a late report to the Senate, and believed to be \$1,500,000 too much.

( E. )

This table is compiled from the Bank Commissioners' report, 1831; from Goddard's tables, 1831; from Ingham's report to Congress, 1831, and from letters received from Boston, Providence and Hartford.

|                    | Population. | Foreign Trade. | Bank Capital. | Bank Specie. | Wealth.     |
|--------------------|-------------|----------------|---------------|--------------|-------------|
| Massachusetts, ..  | 610,000     | D.17,886,738   | 20,796,000    | 1,258,144    | 208,908,107 |
| Rhode-Island, ..   | 97,000      | 767,706        | 6,965,200     | 865,734      | *48,960,000 |
| Connecticut, ..... | 297,000     | 659,094        | 4,679,920     | 400,000      | 87,002,441  |
|                    | 1,004,000   | 19,093,538     | 32,340,020    | 2,024,178    | 344,870,548 |
| New-York, .....    | 1,934,000   | 55,822,053     | 27,083,460    | †3,435,000   | 364,487,200 |

( F. )

*New-York, April 5, 1832.*

GIDEON LEE, Esq.

Sir—Being conversant with the subject, it is our opinion that within the last year the Eastern Banks have discounted in this city paper to the amount from ten to twelve millions of dollars.

S. & M. ALLEN,  
JOHN WARD & Co.  
SHIPMAN & CORNING,  
J. L. & S. JOSEPH & Co.  
J. D. BEERS & Co.

( G. )

This table is compiled from Goddard's statistical views of the monied institutions of the city of New-York, for 1831.

### NEW-YORK CITY BANKS.

|                              | Amount of Capital. | Time and rate of Dividends. |         | Per Cent per Annum. |
|------------------------------|--------------------|-----------------------------|---------|---------------------|
| Bank of New-York, .....      | \$1,000,000        | May 4                       | Nov. 3½ | 7½ pr. ct.          |
| U. S. Branch, 1816, .....    | 2,500,000          | Jan. 3½                     | July 3½ | 7 " "               |
| Manhattan co. 1790, perpet.  | 2,050,000          | Jan. 3½                     | July 3½ | 7 " "               |
| North River, 1820, 20 years, | 500,000            | Jan. 3½                     | July 3½ | 7 " "               |
| Fulton, 1824, 20 years, ...  | 600,000            | May 3½                      | Nov. 3½ | 7 " "               |
| Mechanics', .....            | 2,000,000          | Jan. 3½                     | July 3½ | 7 " "               |
| Phoenix, .....               | 500,000            | Jan. 3½                     | July 3½ | 7 " "               |
| Tradesmen's, .....           | 400,000            | Jan. 3½                     | July 3½ | 7 " "               |
| Merchants' Bank, .....       | 1,490,000          | June 3                      | Dec. 3  | 6 " "               |

\* The latest official valuation of this State was made 1822—amount..... \$2,640,000  
Add probable increase 9 years, say 50 per cent..... 16,320,000

Amounting to..... \$48,960,000

† Bank Commissioners report, 1831—United States Branch Banks excluded. It is supposed that the specie in all these States has greatly decreased by exportation.

|   |           |                   |         |    |         |
|---|-----------|-------------------|---------|----|---------|
| Bank of America, .....  | 2,001,200 | Jan. 2½           | July 2½ | 5  | pr. ct. |
| Union Bank, .....   | 1,000,000 | May 2½            | Nov. 2½ | 5  | "       |
| City Bank but one dividend<br>supposed in consequence<br>of having been robbed, } | 720,000   | May 0             | Nov. 3½ | 3½ | "       |
| Mechanics & Traders, new co.  | 200,000   | made one dividend | 3½      |    | "       |
| Del. & Hudson Canal Co. }   | 1,500,000 | no dividends.     |         |    |         |
| Chemical, .....   | *500,000  | "                 |         |    |         |
| Dry Dock Bank, .....  | 700,000   | "                 |         |    |         |
| National, .....   | 750,000   | new company.      |         |    |         |
| Merchants' Exchange, ....   | 750,000   | "                 |         |    |         |
| Butchers & Drovers, .....   | 300,000   | "                 |         |    |         |
| Greenwich, .....  | 200,000   | "                 |         |    |         |

\$19,611,200

Deduct the amount of capital in the three banks not used in banking, ..... 2,100,000

\$17,511,200

Goddard quotes the banking capital for the city in 1827, at 17,880,000 dollars.

Thus it will be perceived, that most of the banks that have been in business a sufficient time to declare regular dividends, and whose legitimate business has been confined to banking, have divided 7 per cent per annum during 1831, while loans were made to a great extent during the same year in the city, on real estate, at the rate of 5 per cent per annum.

### (H.)

This table is compiled from the legislative Red Book, of 1831, page 193 to 207. The items appear to have been reports of 1828. It is understood that the aggregate amount of loans of the city banks have not materially varied since that date:

|                         | <i>Capital stock.</i> | <i>Am't. of loans and discounts.</i> |
|-------------------------|-----------------------|--------------------------------------|
| City bank, .....        | \$1,250,000           | \$1,252,483                          |
| Union bank, .....       | 1,000,000             | 1,255,840                            |
| Tradesmen's bank, ..... | 480,000               | 731,706                              |
| Merchants' bank, .....  | 1,490,000             | 2,083,289                            |
| Phoenix bank, .....     | 500,000               | 992,181                              |
| Bank of America, .....  | 2,031,200             | 2,328,074                            |
| Bank of New-York, ..... | 1,000,000             | 2,904,991                            |
| Mechanics' bank, .....  | 2,000,000             | 3,107,449                            |
|                         | \$9,751,200           | \$14,655,513                         |

\* The Delaware and Hudson Canal Co. is supposed to use all her capital in her canal operations, \$1,500,000  
The Chemical, 100,000 in her manufacturing, 100,000  
The Dry Dock, 500,000 in her other operations, 500,000

Amount of capital in the above table which is not used in banking, \$2,100,000

**IN SENATE,**

**April 16, 1832.**

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**REPORT**

**Of the committee on privileges and elections, in obedience to a resolution of the Senate.**

The committee on privileges and elections, in obedience to the following resolution of the Senate, (to wit,)

*“Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of altering the time of electing representatives to Congress, so that the time of electing members of the twenty-third Congress shall be held in the year 1833, and that said committee report by bill or otherwise,”*

**RESPECTFULLY REPORT:**

That they have ascertained the time of electing members of Congress in the several States of the Union, and have prepared the annexed table, shewing the time of such choice and the number of representatives for each State, under the ratio as now established, and under that proposed by the bill which has passed one branch of the National Legislature.

From that table, it will be perceived that twelve States, and three Territories, having a representation under the present ratio of one hundred and eight members, hold their elections during the year 1833, and after the expiration of the term of the present Congress; and that twelve States, having a representation of one hundred and eight members, hold their elections during the year 1832, and previous to the second session of the present Congress.

It will also be perceived, that if the representation should not be apportioned until the next session of the present Congress, the States and Territories which elect during the year 1833 will, ac-

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ording to the proposed ratio of 47,700, have one hundred and sixteen members of the next Congress; while those which choose in 1832 will be confined to their present number. Thus the twelve States (including New-York,) which now have one half of the whole representation would, in that event, have four less than one half; while by their actual population, they would be entitled to one hundred and twenty-seven members, and six more than one half; and the State of New-York, which by her population has, under the present ratio, a fraction over one sixth, and under the proposed ratio would be entitled to one sixth of the whole representation, would, in that event, have only a little more than one seventh of the representation, as it would then actually exist.

The injustice and inequality of such a state of things will be too apparent to require comment from the committee. It is sufficient for them to know, that our actual population at this time entitles this State to forty members of the national house of representatives, and that a defeat of the apportionment bill, at the present session of Congress, will continue our representation at thirty-four, unless some measures are taken to guard against the evil.

The power to do so in some measure is in the State Legislatures. Congress has power, by sec. 2 of the first article of the constitution of the United States, to apportion the representatives among the several States according to their respective numbers; but by the 4th section of the same article, "the times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof." The time and manner is fixed by our Revised Statutes, 1st vol. 145, by districts, "at the general election held therein in every second year after the year 1826."

It is true that Congress, by sec. 4 of the constitution, already quoted, "may at any time, by law, make or alter such regulations" of the States; yet we have no assurance that Congress will interfere, and the same power which can defeat the apportionment of representatives can prevent such interference; and it seems to your committee much more prudent and safe to protect ourselves when it is in our power to do so, than depend upon the uncertainties of congressional action upon this subject. Your committee are therefore of opinion that it is expedient to change the time of electing the members of the 23d Congress from the ensuing general election to the general election in 1833.

Still there are difficulties attending this course, which they deem it proper to lay before the Senate.

The choice of Presidential electors cannot be deferred until 1833, nor is it necessary that it should be, for as our election is by general ticket, it will be no more difficult to elect the 42 to which we may be entitled under the proposed ratio, than the present number of 36; and thus this State cannot lose any part of its vote in the choice of a President, unless the apportionment should be deferred by Congress till next year.

Our misfortune would however be great if circumstances should render an extra session of Congress necessary between March and December 1833. In that event the State would be entirely unrepresented unless the Legislature should fix the time of electing the members of the 23d Congress, at an early day after the 4th of March, 1833.

This may be prevented by that part of our State constitution which fixes our general elections in the month of October or November in each year, unless it should be believed that this restriction does not apply to the election of representatives in Congress. If that should be so, still the committee do not conceive that the probability of an extra session of Congress within that period is sufficiently strong, independent of the constitutional impediment, to warrant them in recommending a course involving the trouble and expense of a special election throughout the whole State.

The course heretofore pursued by our Legislature has been to hold an extra session for the purpose of districting the State in conformity with the apportionment made by Congress. The same practice has been observed in other States, and some of the local Legislatures have already adjourned with a view to the same course at this time; and a departure from it by us would not now be advisable, were there not good reason to believe any definite action by Congress will be defeated during this session. If however this anticipation should not be realized, and the apportionment of representatives yet be made before the adjournment of Congress, then your committee would at once recommend an extra session as the only mode of avoiding all the difficulties connected with the subject. They have attempted to provide for such an event, by recommending that the proposed change should depend upon the fact, that the apportionment bill does not pass at the present session.

In the present state of uncertainty as to the fate of that bill the committee have deemed it prudent to provide for either alternative; if the apportionment should be made at the present session of Congress, there ought to be no change in the election of representatives, but the usual practice of holding an extra session of the Legislature be adopted in order that this State may possess its proper standing in Congress. If it should not be made, then the evils to which we should be subject ought to be removed as far as it will be in our power to do so by postponing the election of representatives to another year.

This latter course has already (as your committee are informed) been pursued by the Legislature of Maine and Massachusetts at their last session.

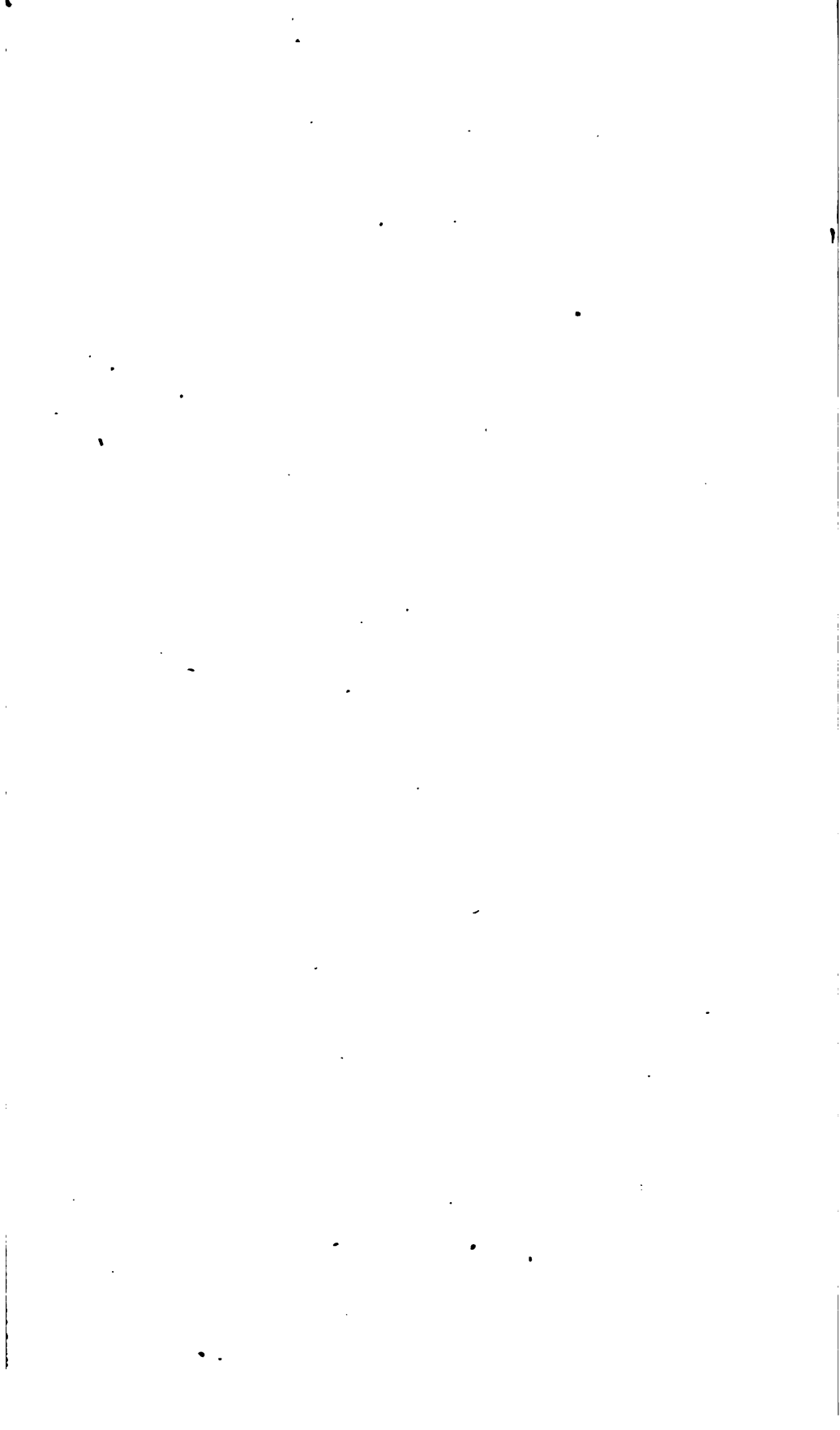
The committee have prepared a bill in conformity to their views and have directed their chairman to ask leave to introduce the same,

J. G. M'DOWELL.

## TABLE

*Showing the time of electing members of the 23d Congress in the several States and Territories of the Union, and the number to which each is entitled under the present and proposed ratio.*

| States and Territories. | Time of election.                         | No. under<br>present ra-<br>tio, 40,000. | No. under<br>the ratio<br>of 47,000. |
|-------------------------|---|--|--------------------------------------|
| Maine,.....             | 2d Monday of September, 1833,             | 7  | 8                                    |
| New-Hampshire,...       | 2d Tuesday in March, 1833,...             | 6  | 5                                    |
| Massachusetts,.....     | 1st Monday in November, 1833,             | 13                                       | 12                                   |
| Rhode-Island,.....      | 4th Tuesday in August, 1833,..            | 2  | 2                                    |
| Connecticut,.....       | 1st Monday in April, 1833,....            | 6  | 6                                    |
| Vermont,.....           | 1st Monday in December, 1832,             | 5  | 5                                    |
| New-York,.....          | 1st Monday in November, 1832,             | 34                                       | 40                                   |
| New-Jersey,.....        | in November, 1832,                        | 6  | 6                                    |
| Pennsylvania,.....      | 2d Tuesday in October, 1832,              | 26                                       | 28                                   |
| Delaware,.....          | 2d do November, 1832,                     | 1  | 1                                    |
| Maryland, . . . . .     | 1st Monday in October, 1833,..            | 9  | 8                                    |
| Virginia,..             | 1st, 2d, 3d & 4th Mondays in April, 1833, | 22                                       | 21                                   |
| North-Carolina, ....    | 2d Thursday in August, 1833,..            | 13                                       | 13                                   |
| South-Carolina, ....    | 2d Monday in October, 1832,..             | 9  | 9                                    |
| Georgia, .....          | 1st Monday in October, 1832,..            | 7  | 9                                    |
| Kentucky,.....          | 1st do in August, 1833,..                 | 12                                       | 13                                   |
| Tennessee,.....         | 1st Thursday in August, 1833,..           | 9  | 13                                   |
| Ohio, .....             | 2d Tuesday in October, 1832,..            | 14                                       | 19                                   |
| Louisiana,.....         | 1st Monday in July, 1832,.....            | 3  | 3                                    |
| Indiana, .....          | 1st " August, 1833,...                    | 3  | 7                                    |
| Mississippi,.....       | 1st " " 1832,...                          | 1  | 2                                    |
| Illinois, .....         | 1st " " 1832,...                          | 1  | 3                                    |
| Alabama,.....           | 1st " " 1833,...                          | 3  | 5                                    |
| Missouri,.....          | 1st " " 1832,...                          | 1  | 2                                    |
| Michigan,.....          | 1st Tuesday in July, 1833,....            | 1  | 1                                    |
| Arkansas, .....         | 1st Monday in August, 1833,..             | 1  | 1                                    |
| Florida, .....          | 1st " in May, 1833, ....                  | 1  | 1                                    |
|                         |   | 216                                      | 243                                  |



**IN SENATE,**

**April 16, 1832.**

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**REPORT**

**Of the Superintendent of Common Schools, in relation to the instruction of the Deaf and Dumb.**

**STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }**

*Albany, April 16, 1832.*

**TO EDWARD P. LIVINGSTON,**  
*President of the Senate.*

**SIR—**

I have the honor herewith to present the annual report of the Superintendent of Common Schools, in relation to the instruction of the deaf and dumb in this State.

With sentiments of the highest respect,  
Your obedient servant,

**A. C. FLAGG,**



# REPORT, &c.

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STATE OF NEW-YORK, }  
SECRETARY'S OFFICE. }

*Albany, April 16, 1832.*

The Secretary of State respectfully presents to the Legislature, the report required of him as Superintendent of Common Schools, in relation to the instruction of the deaf and dumb, by title three of chapter fifteen of the Revised Statutes.

The institution for the instruction of the deaf and dumb in the city of New-York, and every other similar institution, is made subject to the visitation of the Superintendent of Common Schools; and as such visitor, the statute makes it his duty,

1. To inquire from time to time into the expenditures of each institution, and the systems of instruction pursued therein respectively :

2. To visit and inspect the schools belonging thereto, and the lodgings and accommodations of the pupils :

3. To ascertain, by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint from time to time suitable persons to visit the schools :

4. To suggest to the directors of such institution, and to the Legislature, such improvements as he shall judge expedient :

5. To make an annual report to the Legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

In 1827, the Superintendent visited the American Asylum at Hartford, and the Pennsylvania Institution for the instruction of the deaf and dumb at Philadelphia, for the purpose of instituting a comparison as to the system of instruction, between those schools and the New-York school. In this examination he was aided by a gentleman of experience as a teacher of the deaf and dumb. The result of these proceedings is given in a report made to the Senate in 1828, Appendix D. Reference is also made to a report to the Senate in 1830, Document 235.



The Superintendent visited and inspected the deaf and dumb school in the city of New-York, in the month of October last.— The Asylum building is 110 by 60 feet, and has an elevation of three stories above the basement. It is situated about three and a half miles from the City-Hall, on the middle road, or fifth avenue, being on elevated ground about mid-way between the East and North rivers, and from the upper story commanding a view of the waters of both. The situation is pleasant, and probably as healthy as any spot which could have been selected in the vicinity of the city.

It will be seen by a reference to the former reports of the Superintendent, that the corporation of New-York gave the fee of one acre of land to the deaf and dumb school, upon which acre the Asylum buildings are erected. In the same liberal spirit the corporation leased to the institution, for a very moderate rent, about nine acres more, which is advantageously cultivated for the use of the establishment. A portion of the time of the boys, has been usefully employed in improving these grounds and in cultivating an extensive garden, from which an abundant supply of vegetables for the whole household has been derived. An experienced gardener is employed, who superintends and instructs the boys in their labors.

A convenient building has been erected, in which are workshops for tailoring and shoemaking. Competent persons are employed to superintend these shops; and in addition to giving employment and useful instruction to the boys out of school hours, the children in the school who are not provided with shoes and clothing by those who send them there, are supplied from these shops, at a moderate price to those who are able to pay, and in many cases without any compensation whatever.

The girls, when not engaged in school, are under the charge of a matron, who instructs them in sewing, and in making and mending their clothes, and such household employments as they can attend to without interfering with their school studies.

The lodging rooms of the pupils are spacious, and in all respects comfortable. There is a common dining room where all the scholars assemble for their meals, in company with the superintendent, teachers, matron and steward. Every thing relating to "the lodgings and accommodation of the pupils," appeared to be well calculated to promote the health and comfort of the scholars.

The principal, Mr. Peet, resides in the Asylum building with his family, and he has the general direction and control of all the concerns of the institution. A physician also resides in the building, who procures medicine and has charge of the sick under the direction of the principal. The system of government and discipline is strictly of a parental character; and the whole establishment, indoors and out, is arranged and conducted with all the care and solicitude which pervades the operations of a well ordered family.

It was announced in the annual report of the directors for 1831, that Dr. Milner, when he visited Europe, had engaged Mr. Leon Vaysse, a well qualified professor of the Royal Institute of Paris.—Mr. Vaysse had the most conclusive testimonials in his favor; and he appears to be in all respects eminently qualified as a teacher of the deaf and dumb.

Mr. Peet, who is now the principal of the New-York school, was for many years a teacher in the American Asylum at Hartford, and where he resided with, and had the immediate superintendence of the scholars. The friends of the New-York school in particular, and of the cause of deaf and dumb instruction generally, have great reason to felicitate themselves upon the employment of Mr. Peet, in the station which he now occupies. His talents, experience and peculiar qualifications, are invaluable to such an institution.

The Superintendent regards the employment of Mr. Peet and Mr. Vaysse, bringing with them as they do, all the experience and improvements of the American Asylum, and the Royal Institute of Paris, as a new and interesting era in the history of the New-York Institution for the instruction of the deaf and dumb. The characters of the present teachers inspire the fullest confidence, that the system of instruction in this school, will not be inferior to that of any school for the teaching of mutes, in any part of the world.

Since the last report of the Superintendent, the following additional arrangements and improvements have been made in the New-York Asylum:

1. The rooms appropriated to instruction, have been divided by partitions and screens, and each class furnished with a room, so that the exercises of one do not interfere with those of another.

2. A chapel has been fitted up in an appropriate manner for the accommodation of the pupils in attending morning and evening prayers, and religious worship on the Sabbath.

3. The general system of intellectual and religious instruction has been considerably modified; some improvements have already been effected, and others are in progress.

4. A young gentleman of public education, and respectable talents, has been engaged as an additional instructor, and has entered upon his duties.

5. The classes have been supplied with large slates, of an excellent quality, imported from Wales.

6. Books have been introduced into the classes, and are now used in the daily instruction of the pupils, superseding almost entirely the use of manuscript lessons.

7. There has been an entire change in the arrangements of the sitting, lodging and bathing rooms of the pupils, contributing greatly to their comfort and cleanliness.

8. A separation of those engaged in different mechanical occupations has been made, so that each trade is now provided with a separate apartment.

9. The mode of procuring supplies, and of making disbursements, is reduced to a complete system, embracing a perfect supervision, rigid economy, and efficient despatch.

10. The government in the Asylum is wholly of a parental character, and demands an unremitting attention to the wants and conduct of the pupils out of school as in.

The paper marked A., contains the exercises of one class of the pupils in the Asylum, at the examination of the Superintendent in October last.

The table marked B., exhibits the number of deaf and dumb in the State, arranged according to the senatorial districts, as ascertained by the United States' census of 1830. It appears by this census, that there are in the State 841 white persons, and 42 colored persons, who are deaf and dumb, making a total of 883. In 1825, it was shewn by the State census, that there were at that time 645 deaf mutes in the State; so that the increase in five years has been 238. The proportion of mutes in this State compared with the whole population, is as 1 to 2,172. The deaf mutes are estimated in the United States, at 1 for every 2,000 inhabitants. The number of mutes is represented to vary materially in different countries and classes of men. In some countries of Europe, there is 1 for every 1,500; in others 1 for every 1,000; and in some locations, the pro-

portion is three or four times as great as this. The proportion has been found greatest in those districts or portions of cities remarkable for the dampness and impurity of the air. The greater number of these unfortunate persons is found among the poorer classes; and hence it has been supposed, that the defect is frequently caused by the want of the necessary attentions during infancy or disease.\*

It is stated in a report of the directors of the Hartford Asylum, "that a greater proportion become deaf, and consequently dumb, by some adventitious cause after their birth, than by any original defect; this proportion among all those who have been connected with the Asylum, is very nearly 54 in 100. Of the three hundred and thirty-three pupils who have been at different periods members of the Hartford Asylum, only seventy-eight have paid their own expenses, and but few of these were from families in more than moderate circumstances."

It is therefore reasonable to infer that, in most cases, the deaf mutes are proper objects of State munificence. Many parents who have a competency, and who are able to support their families comfortably, and send their children to a district school, would find their means entirely inadequate to pay 150 or 130 dollars a year for supporting a pupil in the Asylum.

The annual report of the directors (p. 9) states, that under the existing provisions of the law, the admission of pupils is extremely irregular, scarcely any two of them entering the Asylum at the same time; and it is found impossible to class them according to their attainments, without increasing the number of teachers. To remedy this inconvenience, the directors propose that the Superintendent of common schools should "be authorised to receive applications for admission, and approve of such number as would be equal to the number of vacancies which should occur in the several senate districts in each year, and transmit the same to the principal of the institution."

The notice required by the act of 1822, before a selection can be made to fill a vacancy, is attended with inconvenience, and occasions considerable delay. It is believed that more effectual notice might be given, in a manner which would save the delay experienced under the present mode. The overseers of the poor of each

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\* Annals of Education.

town, whose certificate is necessary for the admission of a State pupil, might be required to give the Superintendent a list of all mutes of the proper age for instruction, and from the list thus collected a selection could at once be made whenever a vacancy occurred. The contemplated distribution of the poor laws will afford an opportunity to give the required notice and instructions, without any additional expense to the State or the deaf and dumb Asylum.

By the sixth section of the act of 1822, the supervisors of each county are authorised to select and send to either of the deaf and dumb schools an indigent pupil for every member of assembly to which such county shall be entitled. This provision has been entirely inoperative, except in the city and county of New-York, where the supervisors have supported eleven pupils at the Asylum for several years. This number, added to those whose board and tuition is paid for by the State, makes a total of sixty-seven pupils, for which the State and the county of New-York have paid to the institution for the last year, the sum of eight thousand two hundred and sixty-two dollars and sixty-eight cents.

The State also pays for the support of twenty-four pupils at the Central Asylum at Canajoharie. The sum paid annually for each scholar in this school is eighty dollars; the total for the last year being \$1,920.

It is thus seen that the State is supporting eighty pupils in the two schools, at an annual charge upon the treasury of \$8,862.68. The whole number of mutes in both schools is 116.

In the Pennsylvania Institution, Maryland supports twenty, New-Jersey eighteen, and Pennsylvania fifty, making a total of eighty-eight pupils.

In the American Asylum at Hartford, Massachusetts supports fifty-one, Maine nine, New-Hampshire ten, Vermont fifteen, and Connecticut thirty, making a total of one hundred and fifteen charity pupils supported by those five States.

In the deaf and dumb school at Hartford, Philadelphia, and the two in New-York, there are about three hundred and twenty-five pupils of all descriptions, now receiving instruction. The States of Kentucky and Ohio also have established schools for the instruction of mutes.

It is about fifteen years since the French system of the Abbe Sicard, for instructing deaf mutes, was introduced into this country,

by the establishment of the American Asylum at Hartford, in Connecticut. There are now six schools in the United States\* which are conducted upon the French plan of instruction, with the many improvements which have been introduced by the teachers in this country. Under this system, the pupils acquire not only a language of signs, which enables them to converse with their teachers and with each other, but also a written language, which affords them every necessary facility for transacting business and conversing with those who are not acquainted with the sign language. The inmates of the schools for the instruction of the deaf and dumb have the means of acquiring as good an education as is imparted in the academies and the highest grade of schools in this State. If they are not as forward in their studies at the end of five years' instruction as scholars possessing all their faculties, it is because they have much to learn which the others have not. When a deaf and dumb child enters school, the teacher has first to learn him a language, as a medium through which the child is to be instructed in regard to his school lessons. Much time and pains-taking is required on the part of the teacher of the mute, before he and his pupil can converse understandingly, and before instruction (as the term is understood in other schools,) can commence. It was found by experience, that the limitation of the State pupils to three years continuance in the school, by the act of 1822, was too short, and the term was extended to four years by an act passed in 1825; and in 1830 the term was again extended to five years, on the recommendation of the Superintendent.

Instruction, to the deaf mute, is inconceivably valuable and important. Those possessed of all their faculties, who are deprived of any education, can still converse with their friends, and transact ordinary business. Not so with the mute: He is cut off from all social intercourse with his fellow beings, for want of a language. The world, to his imprisoned mind, is a wilderness; and he is to the world, a blank. Instruction changes the whole scene, and gives a new character to all the social relations of the deaf mute. Instead of being regarded by those who know him, as a fated outcast, he

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\* From the last report of the Paris institution, with some additional accounts, it appears that there are now 81 establishments for deaf mutes in Europe; of which Spain has 1, Portugal 1, Italy 6, Switzerland 4, Baden 4, Wurtemberg 3, Bavaria 1, Prussia 8, the rest of Germany 10, Denmark 2, Sweden 1, Russia 1, Holland 4, Great Britain 10, and France 26. Sixty-two of these have been established within the last thirty years. A few in Great Britain, and in Germany and Switzerland, are conducted on the system of Henricke and Braidwood. (This system teaches the pupil to articulate.) The rest, including several in Great Britain, adopt the fundamental principles of De l'Epee and Sicard.—*Annals of Education*.

becomes an object of interest to his associates. He is by this system of instruction literally restored to his friends, and made a member of the social commonwealth; without it, the mind of the mute is locked up, and seems to dwell upon vacancy. The history of the world, and all beyond the reach of his eye, is to him a sealed book. The ability which instruction gives him, of reading and understanding, at once gives action and employment to his dormant mind: His curiosity is excited and gratified; and instead of remaining in a state of listlessness, he can employ himself in storing his mind with useful knowledge.

It is of such vital importance to this unfortunate class of our population, that the advantages of education should be extended to all of them, that it ought to be made imperative upon the boards of supervisors in the several counties, whenever there are mutes whose parents are unable to pay for tuition, (beyond the number embraced in the State provision,) to provide for their instruction, at the expense of the county. And the superintendents of the poor of the several counties, ought to be authorised and required to place all mutes who may become a county charge, in the deaf and dumb Asylum, at the expense of the county.

In the circulars transmitted to the superintendents of the poor, by the Secretary of State in 1830 and 1831, it was suggested to these officers to make application for the admission into the deaf and dumb schools, of such mutes as should be in the county poor-houses. Several have in this way been admitted as State pupils, and there are others whose names have been furnished, but are compelled to wait until vacancies occur. An act was passed in 1831, requiring the superintendents of the poor "to cause all county and town paupers, over the age of 5 and under 16 years, to be taught and educated in the same manner as children are now taught in the common schools of this State, at least one fourth part of the time." The salutary principles of this law ought certainly to be extended to such deaf mutes, as have extreme indigence, superadded to their otherwise desolate and forlorn condition.

The deaf and dumb institution in New-York, by a special act passed in 1830, is allowed to participate in the fund set apart for the incorporated academies of the State. This has created some dissatisfaction, and a bill has passed the Assembly, to repeal the provision of 1830, and deprive the Asylum of any share of the literature fund.

The literary character of the Asylum, would authorise its association with the academies: But is it just towards the academies, or politic as it respects the deaf and dumb school, to apportion a share of the literature fund to the latter institution? There are fifty-five incorporated academies in the State, among which ten thousand dollars are annually apportioned. These academies have been erected generally by private contributions, and in many cases a fund of 4,000 dollars, as required by the Regents, has been raised and actually invested in the same way; and this latter contribution has been for the purpose of obtaining a distributive share of the literature money, and upon the faith of that fund.

The deaf and dumb Asylum receives annually six thousand dollars for lottery licenses, and six thousand nine hundred and forty-two dollars for State pupils, making a total of twelve thousand nine hundred and forty-two dollars, secured to it by special acts of the Legislature. Upon what principle of fairness, therefore, should an institution which is so signally favored by special legislation, come in for a pittance of the general dividend of the literature fund?

Again, it is worthy of notice, that by the Revised Statute, the literature fund is divided in equal shares among the eight senate districts, and afterwards each share is subdivided among the academies in the district. The deaf and dumb Asylum is in the first district, and consequently draws in that district, according to the ratio which its pupils bear to those in the academies of that district: and yet the pupils in the Asylum are collected from all the senate districts in the State. It would therefore seem to be more equitable to allow the Asylum to draw from the literature fund of every senate district, in proportion to the number of pupils attending from each, instead of drawing for the whole number from the sum allotted to that district where the Asylum building happens to be located.

The impolicy of allowing the deaf and dumb school to encroach upon that which the academies regard as their fund, is obvious. It may raise up a spirit of hostility, and interrupt that current of generous feeling, which has been so often and so beneficially manifested towards the Asylum. And if it should not have this effect, it may still be urged as a reason for refusing a more liberal appropriation, which will be required and solicited, when, in a few years, the receipt from lottery licenses is cut off.



These suggestions have been prompted by a sacred regard to the just rights of all concerned, and to what is believed to be the permanent interests of the deaf and dumb institution. The passage of the law from the Assembly, to which reference has been made, will, after the present year, lessen the receipts of the Asylum about \$600: but a collision of opinion with the academies, to an institution which is receiving about 13,000 dollars per annum under special acts of the Legislature, might affect its interests much more seriously than the loss of 600 dollars. This loss may occasion a temporary inconvenience; but it is not apprehended that this institution will be allowed to languish, or that its resources will be exhausted, so long as the generous sympathies of the human heart can operate in favor of one of the noblest charities which has ever been conceived by man.

All which is respectfully submitted,

A. C. FLAGG, *Superintendent  
of Common Schools.*

## DOCUMENTS.

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(A.)

In the following exercises of Mr. Peet's class, the Superintendent gave out certain words and phrases, and Mr. P. directed the class to write sentences upon their slates, which sentences should embrace the word or words selected. The scholars then copied these sentences from the slates, which closed with their names, ages, and the time they have been in the school.

The words given for examples, were, *conquered*; *to be*; *shall have been*; *beautiful*; *agreeable*; *industrious*; and *affectionate*.

The following are literal copies of these examples, as they came from the hands of the pupils:

1. Boy aged 14; 4½ years in school.

*Conquered.*

The American troops *conquered* the British troops on the Champlain lake.

The Israelites *conquered* the Canaanites, who worshipped idols.

The French frigates *conquered* Algiers, and possess it now.

The American army *conquered* the Great Britain soldiers for their independence in 1776.

*To be.*

I am going *to be* an apprentice to a shoemaker's trade.

The people suppose Henry Clay is going *to be* the President of the United States, after Gen. Jackson.

I must try *to be* a good boy.

Mr. Nack, who is trying *to be* a lawyer, is deaf and dumb.

*Shall have been.*

When I *shall have been* here five years, I shall return home, and live with my parents in Troy.

When my uncle *shall have been* to Cincinnati this week, I shall write a letter to him.

*Beautiful.*

A gentleman will marry a *beautiful* lady.

I saw a *beautiful* rabbit, which ran fast three days ago.

I cannot draw the pictures of *beautiful* flowers.

*Agreeable.*

Mr. T. has brought my trunk, *agreeable* to my request.

Mr. Peet will be *agreeable* to ride with me in a carriage.

I was *agreeable* to walk with my friends in the night, to see the Museum.

*Industrious.*

We must be *industrious*.

If you are not *industrious*, your friends will not respect you.

If any person is not *industrious*, he will not get much money.

*Affectionate.*

Jacob was very *affectionate* to his son Joseph.

I must obey my *affectionate* parents and teachers.

WILLIAM POMEROY FIELD. I am fourteen years of age. I have been at the Asylum for the deaf and dumb, four years and six months.

2. Girl aged 16 ; 4½ years in school.

*Conquered.*

Many years ago, the Canaanites were *conquered* by the Israelites.

*To be.*

My father has removed from Haerlem to Fort Washington, *to be* a carpenter.

*Shall have been.*

I *shall have been* at the Asylum four years next January, and I shall live with my parents.

*Beautiful.*

I heard that a rich gentleman married a *beautiful* lady, and then they would go to the country ; and I think perhaps they shall be pleased to converse with some gentlemen and ladies, and they were very good.

*Agreeable.*

Last vacation my sister Mary was *agreeable* to talk with me, when I shall came to the Asylum, and I wished to learn improve fast.

*Industrious.*

A good girl is *industrious* to study her lessons, and she wishes to improve fast. Mr. Peet praises her and loves her. She is good.

*Affectionate.*

I heard that Mr. Peet is *affectionate* to his children, and all the deaf and dumb, for he is kind and good.

MARGARET RYER. I live in Fort Washington, N. York. I am sixteen years old. I have been four years and a half in the institution.

3. Boy aged 17 ; 6½ years at school.

*Conquered.*

When the French had *conquered* the Aligers the Dey left that city.

*To be.*

Young people should be industrious, lest they would be poor and wretched, and they come to *be* old.

*I shall have been.*

When *I shall have been* here seven years, I will not depend my relations but myself support.

*Beautiful.*

The people admired the *beautiful* pictures book.

*Agreeable.*

*Agreeable* is my promise. I write a letter to a gentleman by the first opportunity.

*Industrious.*

The pupils are not *industrious*; the masters will not employ to them.

*Affectionate.*

The Legislature are very *affectionate* to help the poor people when they live in the State of New-York.

JOHN HARWOOD. I am seventeen years old. I lived at the Asylum for the deaf and dumb six years and six months.

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4. Girl aged 14;  $3\frac{1}{2}$  years at school.

*Conquered.*

Some years ago the Indians were *conquered* by the people.

*To be.*

Miss Mabbett's father has removed from New-York to Dutchess county *to be* a merchant.

*Shall have been.*

*I shall have been* three years and a half at the Asylum. Miss Ryer shall have been four years and a half next January at the Asylum.

*Beautiful.*

A rich gentleman is married to a *beautiful* lady, and they would go home, and I think they shall be pleased to converse with the other; they shall take a journey into the country; they were very glad to see the other.

*Agreeable.*

When I shall leave the school, I will be *agreeable* to teach make sign to my sister.

*Industrious.*

Some of the pupils are *industrious* to work or study their lessons, and they wish to improve. Mr. Peet is very glad to see them.

*Affectionate.*

My parents are *affectionate* to their children and all the people, for they are very kind and good.

JULIA ANN HOFFMAN. I am fourteen years of age. I live in Troy, of New-York. I have been three years and a half at the Asylum.

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5. Boy aged 12 years; 6½ years at school.

*Conquered.*

The Turks *conquered* the innocent Greeks.

The Turks were *conquered* by the Russians.

Napoleon's army was *conquered* by the Russians.

*To be.*

My uncle, whose name was Wilmot Williams, went to Salina *to be* a merchant.

My uncle George went to the country *to be* a carpenter.

If the repent of our sins and obey and trust in God, we shall go to Heaven *to be* the saints when we die.

*Shall have been.*

I *shall have been* here 7 years.

Mr. Peet *shall have been* here one year next February.

*Beautiful.*

The ladies and gentlemen's cabins of a steamboat are very *beautiful*.

The cabin of a ship is very *beautiful*, better than the cabin of a steamboat.

My mother's dining-room is very *beautiful*.

*Agreeable.*

I am always *agreeable* to converse with my school-fellows.

A father is *agreeable* to love his son.

A teacher is *agreeable* to teach his pupils.

*Industrious.*

We must be *industrious* to try to improve fast and become intelligent.

Some farmers are very *industrious* to work and cultivate in their farms.

*Affectionate.*

Pious people are the *affectionate* children of God.

My name is TIMOTHY DWIGHT TOWNSEND. I live in New-York city. I am 12 years old, and I staid here six years and five months.

6. Girl aged 18 years ; 3½ years at school.

*Conquered.*

Many years ago the people *conquered* Great Britain.

*To be.*

I think that Master M'G. wishes to stay here some years at school *to be* taught ; he will continue to try to study as his teacher teaches.

*Shall have been.*

I think perhaps *I shall have been* here two years, my uncle will come here and take me home to my grandmother.

*Beautiful.*

When we lived in the city of New-York we went to the museum, and were much pleased to see many *beautiful* soldiers, who marched through the streets.

*Agreeable.*

Yesterday the ladies came to the institution ; they were *agreeable* to answer our questions, and said they would come here to see us again.

*Industrious.*

A good boy goes to the school, and is always *industrious* to study his lesson ; his master is very happy to see him. He loves and obeys him.

*Affectionate.*

Miss H. conversed with me about her dear parents when she was here. They told her they were *affectionate* to her ; they hoped she would continue to be respectful and obedient to them.

LOUISA A. MOORE. I am eighteen years of age. I live in Lyons, Wayne county, New-York. I have been here three years and four months at school.

---

7. Girl aged 15 years ; 6½ years at school.

*Conquered.*

The husband was jealous, and his wife was innocent, and she always be pious and loved God most, and he was angry to be *conquered* by her in murdering.

*To be.*

Mr. Peet told us that we must try *to be* intelligent in writing our composition very neatly and gracefully.

*Shall have been.*

*I shall have been* six years at the Asylum next June, and I wish to go home, stay a long time to live with my parents:

*Beautiful.*

Mrs. Young invited me to take tea, and I was much pleased to see a *beautiful* room, which was in the Washington-Hall.

*Agreeable.*

-Some pupils told me that they were very *agreeable* to learn more, and they expect they will try to improve fast, and will acquire a knowledge in different books.

*Industrious.*

My brother-in-law told me that he was much pleased to be *industrious* in making shoes and boots, because he wished to sell to any persons, he would be pleased to support his wife.

*Affectionate.*

We often think about our parents, and we are their *affectionate* daughters and sons.

My name is CAROLINE KIRK. I have been 6 years and a half at school. I am fifteen years old. I live in the city of N. York.

---

8. Girl, aged 14 years. Had been at Hartford several years.

*Conquered.*

Alexander the Great wished that the world would be *conquered* by his army.

*To be.*

A girl told me that she determined to be a milliner when she leaves here.

*Shall have been.*

I *shall have been* here one year next spring.

*Beautiful.*

I heard that the houses in New-Haven are *beautiful*.

*Agreeable.*

A girl was *agreeable* to walk with me.

*Industrious.*

A man was *industrious* to mow the hay.

*Affectionate.*

Christ was *affectionate* to his disciples.

My name is SUSAN SWIFT. My home is in Washington, Dutch-ess co. N. Y. I am fourteen years old. I have been here about four months.

9. Boy, aged 14½ years—time not stated.

*Conquered.*

The Spaniards *conquered* the nation of the Indians ; and they stole many gold and silver minerals from them. The Greeks were *conquered* by the Turks, for their oppression.

*To be.*

The teachers ordered the pupils *to be* obedient to them. God has commanded the people *to be* sorry for their sins ; and love God ; he will forgive them and bless them.

*Shall have been.*

I *shall have been* educated one year, when I shall leave here for home.

The boys clothes *shall have been* finished by me in a day.

*Beautiful.*

The portrait painters can paint some *beautiful* pictures. The new hotel is a *beautiful* and splendid house in the city. Master Noe's friend presented him a *beautiful* book ; he keeps it in the desk.

*Agreeable.*

I was *agreeable* to converse with my brother Anselm and his wife last August.

My sister Matilda was *agreeable* to read the natural philosophy book.

*Industrious.*

We must be *industrious* to study the books and arithmetic.

A boy is *industrious* to picture the cottage and landscape.

Some boys are *industrious* to make shoes in the shop.

*Affectionate.*

I wrote a letter, and I said that I am your *affectionate* brother.

JEREMIAH W. CONKLIN, Huntington, Suffolk co. L. Island. I am 14½ years old.

---

10. Girl, aged 15 years ; 4 years and 3 months in school.

*Conquered.*

The America was *conquered* by the British in England.

*To be.*

Mr. Peet told us that he wished *to be* very kind and friend all the deaf and dumb.

*Shall have been.*

I *shall have been* four years and three months next July at the Asylum.

*Beautiful.*

An old gentleman presented us some *beautiful* books, and we were much pleased to read and understand them.



*Agreeable.*

One of the pupils is very *agreeable* to see her parents, and they wish to converse with her.

*Industrious.*

We must be very *industrious* to sew the binds of the boots and shoes.

*Affectionate.*

I often think of my friend, and he is my *affectionate* friend, because he always be kind to me.

My name is EMBLINE BECKWITH. I am fifteen years old. I have been four years and three months in the Asylum.—Cooperstown, Otsego co. N. Y.

11. Boy, aged 19 years; nearly 6 years' instruction.

*Conquered.*

Count Melayett *conquered* the Turks, for the purpose of delivering the Greeks from their oppressions, and compelled them to submit to him, he afterwards gave poisonous wine to them, and they soon died in great agony.

*To be.*

General Stuart ordered the British *to be* conquered by the Americans at the town of Lancaster, Pennsylvania, they continued to fire on them, and the British were much surprised, and fled from them.

*Shall have been.*

If the Turks again oppress the Greeks, they *shall have been* conquered by Count Melayett, to deliver them from their oppression. He is one of the bravest heroes, he lives in Paris.

*Beautiful.*

General Cabbard was a *beautiful* man, but he had a very brave disposition, he was successful in conquering the British at the battle of Portsmouth.

*Agreeable.*

Lavater was not of *agreeable* countenance, but it was very disagreeable, he was a great philosopher and of great genius.

Absalom Dunton had a very *agreeable* countenance, and was a great man who was very generous and kind to the poor, he was an Englishman who wrote many botanic books.

*Industrious.*

There are many Spaniards who are not very *industrious*, but they are very lazy and proud, they kill the persons or rob them of their money.

Horatio Hughs removed from Spain to Pittsburgh, where he was very *industrious*, he wrote on history and philosophy, he had a very benevolent and pious disposition.

*Affectionate.*

After Commodore Cook defeated the Turks, he wrote a very excellent letter to Captain Lincoln, and it said he was his *affectionate* friend.

THOMAS WILSON of Erie. I am almost 19 years old, and I came to the Asylum, where I have been eleven months. I have been five years in Philadelphia.

## (B.)

| Counties and Districts.     | White persons who are deaf and dumb under 14 years of age. | White persons who are deaf and dumb, of the age of 14 and under 25. | White persons who are deaf and dumb, of 25 and upwards. | Total white persons who are deaf and dumb, of all ages. | Colored persons who are deaf and dumb, under 14. | Colored persons deaf and dumb, from 14 to 25. | Colored persons deaf and dumb, 25 and upwards. | Aggregate of all descriptions. |
|-----------------------------|--|---|---|---|--|---|--|--------------------------------|
| <b>1st Senate District.</b> |  |   |   |   |  |   |  |                                |
| Suffolk,.....               | 7  | 2   | 5   | 14  | 1  | ....  | 1  | 16                             |
| Queens,.....                | ....   | ....  | 3   | 3   | ....   | 1   | 1  | 5                              |
| Kings,.....                 | ....   | ....  | ....  | ....  | ....   | ....  | ....   | ....                           |
| Richmond,.....              | ....   | ....  | ....  | ....  | ....   | ....  | ....   | ....                           |
| New-York,.....              | 28   | 69  | 8   | 105   | 4  | 5   | 1  | 115                            |
| Total,.....                 | 35   | 71  | 16  | 122   | 5  | 6   | 3  | 136                            |
| <b>2d Senate District.</b>  |  |   |   |   |  |   |  |                                |
| Westchester,.....           | 12   | 8   | 3   | 23  | ....   | 1   | ....   | 24                             |
| Putnam,.....                | 1  | ....  | 3   | 4   | ....   | ....  | ....   | 4                              |
| Dutchess,.....              | 4  | 4   | 13  | 21  | 1  | ....  | ....   | 22                             |
| Rockland,.....              | 1  | ....  | 3   | 4   | ....   | ....  | ....   | 4                              |
| Orange,.....                | 5  | 8   | 9   | 22  | 1  | ....  | 1  | 24                             |
| Ulster,.....                | 11   | 6   | 3   | 20  | ....   | ....  | ....   | 20                             |
| Sullivan,.....              | ....   | 1   | 3   | 4   | ....   | ....  | ....   | 4                              |
| Delaware,.....              | 7  | 6   | 7   | 20  | ....   | ....  | ....   | 20                             |
| Total,.....                 | 41   | 33  | 44  | 118   | 2  | 1   | 1  | 122                            |
| <b>3d Senate District.</b>  |  |   |   |   |  |   |  |                                |
| Greene,.....                | 5  | 7   | ....  | 12  | ....   | ....  | ....   | 12                             |
| Columbia,.....              | 2  | 6   | 5   | 13  | ....   | 1   | 2  | 16                             |
| Albany,.....                | 15   | 10  | 5   | 30  | ....   | ....  | 1  | 31                             |
| Rensselaer,.....            | 5  | 3   | 6   | 14  | ....   | ....  | ....   | 14                             |
| Schoharie,.....             | 4  | 6   | 11  | 21  | ....   | ....  | ....   | 21                             |
| Schenectady,.....           | ....   | ....  | ....  | ....  | ....   | ....  | ....   | ....                           |
| Total,.....                 | 31   | 32  | 27  | 90  | ....   | 1   | 3  | 94                             |
| <b>4th Senate District.</b> |  |   |   |   |  |   |  |                                |
| Saratoga,.....              | 7  | 2   | 7   | 16  | 1  | ....  | ....   | 17                             |
| Montgomery & Hamilton,      | 10   | 32  | 9   | 51  | ....   | 1   | ....   | 52                             |
| Washington,.....            | 11   | 9   | 6   | 26  | 1  | 1   | ....   | 28                             |
| Warren,.....                | 3  | 5   | 4   | 12  | ....   | ....  | ....   | 12                             |
| Clinton,.....               | 6  | 5   | 3   | 14  | ....   | ....  | ....   | 14                             |
| Essex,.....                 | 1  | ....  | 3   | 4   | 2  | ....  | ....   | 6                              |
| Franklin,.....              | 5  | 2   | ....  | 7   | ....   | ....  | ....   | 7                              |
| St. Lawrence,.....          | 3  | 2   | 3   | 8   | ....   | ....  | ....   | 8                              |
| Total,.....                 | 46   | 57  | 35  | 138   | 4  | 2   | ....   | 144                            |

| Counties and Districts.     | White persons who are deaf and dumb, under 14 years of age. | White persons who are deaf and dumb, of the age of 14 and under 25. | White persons who are deaf and dumb, of 25 and upwards. | Total white persons who are deaf and dumb, of all ages. | Colored persons who are deaf and dumb, under 14. | Colored persons deaf and dumb, from 14 to 25. | Colored persons deaf and dumb, 25 and upwards. | Aggregate of all descriptions. |
|-----------------------------|---|---|---|---|--|---|--|--------------------------------|
| <b>5th Senate District.</b> |   |   |   |   |  |   |  |                                |
| Herkimer, .....             | 4   | 8   | 9   | 21  | ....   | 1   | ....   | 22                             |
| Oneida, .....               | 8   | 9   | 7   | 24  | ....   | ....  | ....   | 24                             |
| Madison, .....              | 6   | 11  | 5   | 22  | ....   | ....  | ....   | 22                             |
| Oswego, .....               | 4   | 4   | 5   | 13  | ....   | ....  | ....   | 13                             |
| Lewis, .....                | ....  | 2   | 5   | 7   | ....   | ....  | ....   | 7                              |
| Jefferson, .....            | 7   | 8   | 4   | 19  | ....   | ....  | ....   | 19                             |
| Total, .....                | 29  | 42  | 35  | 106   |  | 1   |  | 107                            |
| <b>6th Senate District.</b> |   |   |   |   |  |   |  |                                |
| Otsego, .....               | 12  | 8   | 10  | 30  | ....   | ....  | ....   | 30                             |
| Chenango, .....             | ....  | 1   | 1   | 2   | ....   | ....  | ....   | 2                              |
| Broome, .....               | ....  | 5   | 4   | 9   | ....   | ....  | ....   | 9                              |
| Cortland, .....             | 8   | 2   | 5   | 15  | ....   | ....  | ....   | 15                             |
| Tompkins, .....             | 2   | 2   | 1   | 5   | ....   | 2   | ....   | 7                              |
| Tioga, .....                | 1   | 1   | 1   | 3   | ....   | ....  | ....   | 3                              |
| Steuben, .....              | 2   | ....  | 6   | 8   | ....   | ....  | 1  | 9                              |
| Total, .....                | 25  | 19  | 28  | 72  |  | 2   | 1  | 75                             |
| <b>7th Senate District.</b> |   |   |   |   |  |   |  |                                |
| Onondaga, .....             | 14  | 7   | 7   | 28  | ....   | ....  | ....   | 28                             |
| Cayuga, .....               | 8   | 5   | 11  | 24  | ....   | ....  | ....   | 24                             |
| Seneca, .....               | ....  | 1   | 5   | 6   | ....   | ....  | 1  | 7                              |
| Ontario, .....              | 3   | 6   | 4   | 13  | ....   | ....  | ....   | 13                             |
| Wayne, .....                | 5   | 3   | 8   | 16  | ....   | ....  | 1  | 17                             |
| Yates, .....                | 1   | 1   | ....  | 2   | ....   | ....  | ....   | 2                              |
| Total, .....                | 31  | 23  | 35  | 89  |  |   | 2  | 91                             |
| <b>8th Senate District.</b> |   |   |   |   |  |   |  |                                |
| Livingston, .....           | 4   | 4   | 2   | 10  | ....   | ....  | ....   | 10                             |
| Monroe, .....               | 8   | 3   | 7   | 18  | 4  | 1   | 2  | 25                             |
| Genesee, .....              | 13  | 12  | 5   | 30  | ....   | ....  | ....   | 30                             |
| Niagara, .....              | 2   | 1   | 3   | 6   | 1  | ....  | ....   | 7                              |
| Erie, .....                 | 2   | 2   | 1   | 5   | ....   | ....  | ....   | 5                              |
| Allegany, .....             | ....  | 2   | 5   | 7   | ....   | ....  | ....   | 7                              |
| Cattaraugus, .....          | 8   | 3   | 9   | 20  | ....   | ....  | ....   | 20                             |
| Chautauque, .....           | 1   | 5   | 3   | 9   | ....   | ....  | ....   | 9                              |
| Orleans, .....              | 1   | ....  | ....  | 1   | ....   | ....  | ....   | 1                              |
| Total, .....                | 39  | 32  | 35  | 106   | 5  | 1   | 2  | 114                            |

## RECAPITULATION.

| Districts.   |                 | White persons who are deaf and dumb, under 14 years of age. | White persons who are deaf and dumb, of the age of 15 and under 25. | White persons who are deaf and dumb, of 25 and upwards. | Total white persons who are deaf and dumb, of all ages. | Colored persons who are deaf and dumb, under 14. | Colored persons deaf and dumb, from 14 to 25. | Colored persons deaf and dumb, 25 and upwards. | Aggregate of all descriptions. |
|--------------|-----------------|---|---|---|---|--|---|--|--------------------------------|
| 1st          | District, ..... | 35  | 71  | 16  | 122   | 5  | 6   | 3  | 136                            |
| 2d           | " .....         | 41  | 33  | 44  | 118   | 2  | 1   | 1  | 122                            |
| 3d           | " .....         | 31  | 32  | 27  | 90  | ....   | 1   | 3  | 94                             |
| 4th          | " .....         | 46  | 57  | 35  | 138   | 4  | 2   | ....   | 144                            |
| 5th          | " .....         | 29  | 42  | 35  | 106   | ....   | 1   | ....   | 107                            |
| 6th          | " .....         | 25  | 19  | 28  | 72  | ....   | 2   | 1  | 75                             |
| 7th          | " .....         | 31  | 23  | 35  | 89  | ....   | ....  | 2  | 91                             |
| 8th          | " .....         | 39  | 32  | 35  | 106   | 5  | 1   | 2  | 114                            |
| Total, ..... |                 | 277   | 309   | 255   | 841   | 16   | 14  | 12   | 883                            |

**IN SENATE,**

**April 16, 1832.**

**REPORT**

**Of the Commissioners of the Land-Office, pursuant to the act of October, 1828, relative to the repayment in certain cases of moneys paid for taxes.**

Pursuant to the directions of the act entitled "An act authorising the repayment in certain cases of monies paid for taxes," passed October 25, 1828, the Commissioners of the Land-Office, hereby report to the Legislature the names of persons to whom warrants have been ordered under the said act since their last report, and the amount of such warrants respectively, as follows :—

| Date of Order.    | Name of persons.            | Amount of Warrants. |
|-------------------|-----------------------------|---------------------|
| 1830, May 4,      | Elijah Parish, .....        | \$5 11              |
| " 20,             | Jonathan Walton, .....      | 6 90                |
| September 15,     | Gerrit Wendell, .....       | 13 51               |
| " "               | William H. Denning, .....   | 80 95               |
| " "               | Aristarchus Champion, ..... | 3 49                |
| " 28,             | George Taylor, .....        | 2 51                |
| November 26,      | Thomas Hunn, .....          | 23 65               |
| December 1,       | Samuel Coe, .....           | 16 33               |
| " "               | Elias Mather, .....         | 12 87               |
| 1831, January 12, | Cornelius J. Bogert, .....  | 2 13                |
| " "               | Solomon Love, .....         | 21 16               |
| " 15,             | John Ellis, .....           | 1 17                |
| " "               | Samuel M. McKay, .....      | 8 19                |
| February 21,      | Aaron Burt, .....           | 46 91               |
| " 23,             | Throop Barney, .....        | 1 26                |
| " "               | Solomon Warren, .....       | 1 69                |

| Date of Order.     | Name of persons.         | Amount of Warrants. |
|--------------------|--------------------------|---------------------|
| 1831, April 6,     | A. Capman, .....         | \$4 21              |
| “ 20,              | Augustus Fleming, .....  | 50 37               |
| “ 25,              | J. S. Conklin, .....     | 7 13                |
| “ 20,              | Alvin Bronson, .....     | 2 86                |
| May 17,            | Eben B. Morehouse, ..... | 8 06                |
| June 30,           | Solomon Mackey, .....    | 2 36                |
| November 21,       | George G. Klock, .....   | 4 18                |
| 1832, February 14, | Isaac Hamilton, .....    | 10 00               |
| March 7,           | Elisha Williams, .....   | 18 58               |
| “ “                | Stephen Warren, .....    | 3 20                |
| April 3,           | John R. Bleecker, .....  | 23 55               |

All which is respectfully submitted,

SILAS WRIGHT, JR. *Comptroller,*  
A. C. FLAGG, *Secretary,*  
SIMEON DE WITT, *Surveyor-General*

*Albany, April 13, 1832.*

**IN SENATE,**

**April 20, 1832.**

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**REPORT**

**Of the committee on finance, relative to the rate of interest.**

The committee on finance, to which was referred the bill from the Senate, entitled "An act to reduce and regulate the rate of interest;" and also a resolution instructing them "to ascertain and report to the Senate the legal rate of interest in the several States of the Union, and also in the nations of Europe; and as far as practicable, the actual rates of interest, and likewise the legal penalties for the violation of the statutes fixing and regulating interest in the said States and nations;"

**REPORT:**

That the proceedings had upon the subject of interest on money, by the Legislature at its last session, induced several intelligent gentlemen of Oneida county to open an extensive correspondence with gentlemen of intelligence and experience throughout the Union, with a view to obtain information on a subject which it was believed was not well understood by themselves or the public; and the information resulting from this correspondence has been kindly communicated to the committee, with permission to make such use of it as they may deem proper; which, together with such as they have procured from other sources, they present to the Senate, comprising a body of valuable information on a subject deeply interesting to our State.

A portion of the information obtained by these gentlemen has been condensed with care by Mr. Senator Maynard, in an able and lucid opinion delivered by him in the Court of Errors, in the case recently decided of "Cram vs. Hendricks;" which, with his permis-



sion, the committee have extracted from the opinion in manuscript, and have incorporated it in this report, together with a few pertinent and general remarks on the subject of usury.

The committee have also appended to their report, several of the most valuable letters and documents in their possession : Among them, and marked A, are,

“ Minutes of Evidence taken before the select committee of the House of Commons, England, on the usury laws.”

This document is derived from Professor M’Vickar, through the source above alluded to.

Also, marked B, a letter from J. M’Vickar, esq. excepting therefrom the information regarding the legal and market value of money in Europe, which is substantially contained in the quotation from the opinion of Mr. Maynard.

C. A letter from the Hon. John Quincy Adams, of Massachusetts.

D. Extracts of a letter from Peter S. Duponceau, esq. Pennsylvania.

E. Letter from the Hon. Lewis Cass, Detroit, Michigan.

F. Letter from the Hon. R. M. Johnson, Kentucky.

G. Extract of a letter from Hon. Samuel A. Foot, of Connecticut.

H. Letter from Hon. Samuel Smith, of Baltimore.

I. Letter from Hon. D. Burnett, Cincinnati, Ohio.

J. Extract of a letter from the Hon. David Barton, Missouri.

K. Extract of a letter from George Collier, esq. St. Louis, to the Hon. David Barton of same place.

L. A communication from William Bard, esq. New-York.

The information thus obtained will present a general view of the present value of money in the commercial countries of Europe, as well as in the different sections of our own ; together with a history of the usury laws, and a knowledge of the estimation in which they are held by commercial communities and commercial men.

Commerce has at all times exerted a powerful and controlling influence upon the rate of interest, or price of money ; and that too in spite of legislation. Indeed, where legislation has been applied

to this subject, it has followed close upon the footsteps of commercial regulation. Finding the value which trade and commerce had awarded to money, the legislator has come in with his statute, to fix and restrain it at the limit thus indicated.

But owing to the fluctuations of trade, and the ever-varying wants of commerce, the price of money is never stationary. Impelled by such causes, it is always vibrating between certain limits of high and low interest. When legislation fixes the standard below the maximum to which commerce raises the price, a conflict ensues between market and legal value; and such conflict will be mild or severe, in proportion as the legal standard is below such maximum, and in proportion to the severity of the pains and penalties by which that standard is guarded.

Although, as before remarked, legislation has followed the laws of commerce in this regulation of money, and has in this manner degraded the legal standard during a period of 600 years, from 50 to 5 per cent; still, restraint has been the prominent object of legislation throughout this period, and care has always been had therefore to keep the legal below the maximum market rate; and hence a perpetual conflict has existed between the legal and market price of money.

The committee do not propose to discuss elaborately the policy of the usury laws. If they could command the time required for such discussion, they would still deem it better to submit the opinions and experience of practical men, and the evidence of commercial communities.

Still they will remark, that the policy of the usury laws originated in benevolent motives, and probably at a period when commerce and manufactures were in their infancy, absorbing very little capital, and when money was hoarded by thrift to minister to prodigality, when avarice and luxury were the distinguishing vices of the age. Hence the very natural prejudice against the avaricious lender, and sympathy for the careless borrower; and hence the desire to punish the one and protect the other.

The benevolent object of protecting the borrower against the extortion of the lender, however laudable, is totally unattainable by legislation; and all attempts to effect it must result in disappointment.

When the market price of money rises above the legal price, those money lenders who are unwilling to incur the hazard of penalties for usury, who are deterred by respect for the law or the odium attaching to the violation of it, retire from the money market to participate in the profit of other investments, more honorable, if not equally inviting.

Again, others who would have been induced to change their pursuits and lend money, when the price became alluring, are deterred by the same dread of encountering the usury laws ; hence both these classes are driven or restrained from the competition, and the money market is left with few competitors, and the borrower at the mercy of the most avaricious and the least conscientious of the money lenders ; hence the price of money, after reaching the legal rate, advances rapidly much beyond it, and remains much longer at this high rate, than it would have done with free competition, and thus the law defeats its own benevolent intentions.

Whatever may have been the policy in which the legal restraints upon money had their origin, and whatever may have been the prejudices by which those restraints were enforced and perpetuated, that policy has ceased, and that prejudice has been dispelled.

The various branches of industry are now pushed to their utmost limit, absorbing all the capital within their reach ; nor is there any motive left for withholding this capital, the proprietors of which feel all the security which good laws can afford for their investments and their loans, nor does there longer exist in civilized communities, any proscribed sect or race who feel the necessity of hoarding and concealing their gains to elude the rapacity of government.

All capital therefore is seeking the best and most profitable investment ; and for this purpose, is continually changing its employment and location, as a new employment and a new location promise better returns than the old. In this manner will capital adjust itself to the wants of the community, and spread in due proportions throughout every branch of industry, until all shall find their level, and prove equally productive, or as nearly so as is practicable from the nature of things ; provided, government does not interpose its authority to disturb such natural adjustment.

A vast proportion of the capital of a country is owned by one class of the community, and used or managed by another ; compensation

for the use of which is made in the various modes of interest, rent, dividends, &c. : the lending or renting class are those who have inherited estates, or those who have acquired them by business pursuits, and who have become inactive from age, or whose accumulations are too large to be conveniently managed in the occupation which produced them. The borrowers are usually young, active and enterprising. A single large capital divided among this latter class, affords employment to a large number ; enabling each to pay a reasonable rent or interest therefor ; turn their personal services to good account and to accumulate capital, and become lenders in their turn.

The wages of labor and the wages of capital, or the proportions of the joint product which ought to inure to the capitalist who lends and the producer who borrows, will always be best and most equitably adjusted, without the intervention of the authority of government. The borrower is stimulated to pay a high price for interest of money, rent of land, or the charter of a ship, by the prospect of gain, and by the competition of all others who wish to borrow, rent or charter : the person who lends, rents or charters, is restrained in his demand, by the competition of all others who wish to lend, rent or charter.

Yet strange to tell, with a portion of the lenders, (and it is hoped for the credit of morality, a large portion,) the advance in price of money beyond the legal rate, is a signal to retire from the field of competition, withdraw their capital to seek new investments, at the moment it is most wanted, and leave the needy borrower to the mercy of the unprincipled lender, and that too, in obedience to the dictates of law, conscience and good morals. A scheme more fatal to the industry of the country, or more oppressive to the borrower, could not be devised by legislative ingenuity.

If, therefore, the government would refrain from intermeddling in the price of money, interpose no penalties which should induce a portion of the lenders to retire from the competition at the moment the price should rise, and the influence of their competition is most wanted, there could be no such class of men in the community as extortionate money lenders ; nor could money ever bring more than its actual value.

The committee are not aware of any single advantage resulting from restricting the price or interest of money ; nor can they ima-

gine but one reason for fixing (not restraining) by law the rate of interest at all, which is the saving to parties the trouble of such frequent negotiation and bargain.

*Of the legal and actual or market rate of interest.*

An opinion expressed by the committee of the Senate last year on the same subject, has been fully justified by the recent investigation, which opinion was, that money was most abundant and cheap in old and populous countries; that its tendency was to remain where it was acquired, which tendency could be counteracted only by presenting at other points better subjects of investment; or the inducement of a higher rate of interest. They add "that the prospect of gain coupled with security for the investment, will operate with unerring certainty to draw capital from countries where it is abundant and cheap, and transfer it to others where it is scarce and dear, nothing can be effected by the force of law, pains and penalties can do nothing, the hope of gain alone must be relied on."

Accordingly, it will be perceived that many of the new States have endeavored to conform their standards of interest to those of the older States from which their settlers emigrated, and to guard these low standards by severe penalties; but they have, in most if not all such cases, discovered the folly of the attempt, and have abandoned it by raising the legal standard in some cases, giving up all restraint in others, and mitigating penalties in all; and experience has justified the change. Most of the old States have abolished or greatly mitigated the penalties which guard their usury laws.

*Interest in England.*

|                       |                 |
|-----------------------|-----------------|
| A. D. 1255, Edward I. | 50 per cent.    |
| " 1307, Edward II.    | 45 "            |
| " 1546, Henry VIII.   | 10 "            |
| " 1604, James I.      | £9 16 per cent. |
| " 1610, James I.      | 8 0 "           |
| " 1660, Charles II.   | 6 0 "           |
| " 1714, Anne.         | 5 0 "           |

The legal rate still 5 per cent.

A labored investigation in England, applied to a period of the last forty years, has established the fact, that the average actual or market rate of interest for that period, was  $4\frac{1}{2}$  per cent on securities of the highest credit in the kingdom.

In many of the continental states of Europe, the actual rate of interest on the best security, is said to be lower than in England. The legal rate throughout the continent, varies from 4 to 6 per cent, there are few penalties to guard the legal rate, and where they do exist, they are not generally respected.

Professor M'Vickar remarks that those penalties are generally nugatory, but if not, they "are applied only to mortgage securities, while mercantile operations, which comprehend  $\frac{9}{10}$  of the whole are left unshackled to the mutual benefit of the parties."

In New-England as well as in Pennsylvania and Maryland, the market rate of interest varies from 5 to 6 per cent, the latter being the legal rate.

In the city of New-York it is more fluctuating, and a shade higher. The loans in that city on bond and mortgage, from March 1830, to February 1831, both inclusive, amounts to \$6,616,642, at an average interest of about  $6\frac{1}{2}$  per cent. The rate of interest at which loans are made on personal security, are much more fluctuating; they are often made at 4 and 5 per cent, whereas at this time 9 to 10 per cent is readily obtained on the best personal security.

In the interior of our own State, the actual rate of interest does not in the opinion of the committee, vary much from the legal rate.

In the new States south and west, the actual, or market rate of interest is generally from 8 to 10 per cent; and the amount to be obtained at these rates, not equal to their wants.

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#### EXTRACT FROM MR. MAYNARD'S OPINION.

As to the behests of conscience, the moralist might, with equal propriety and justness, condemn all sales of property for less than the actual value. It is also equally immoral, except so far as the law furnishes an excuse or justification, to take advantage of the scruples of conscientious men, who feel bound to obey the statute, and borrow money at the legal rate when its actual value is known to be greater. The morality of every transaction depends upon its own peculiar circumstances. If imposition be practised, or advantage taken of ignorance, necessity or confiding credulity, the transaction will be immoral, although adjusted with precise exactness to

legal requirements. The practice of morality will be more extensively and powerfully encouraged by the deep and universal inculcation of its principles, than by the application of abstract, arbitrary, statutory provisions, affecting matters of business, to the infinitely diversified circumstances of human action and conditions.

Courts and individuals sometimes speak of usury laws with a sort of idolatrous veneration, as though they were of divine original or essence, the main protection of property, and chief safeguards of civil society. One judge has declared that they "have prevailed in all civilized countries, and in all time." Language of such bold and imposing import is apt to influence the mind without perception, and hurry it to conclusions without conviction.

Opinions acquire, from long transmission, the attributes of wisdom, and continue to command assent without investigation, because they have been embraced with unanimity. The mind fails to grasp and estimate the changes wrought in the condition of mankind, and clings to old maxims and rules long after the reason for them has ceased to exist.

Perhaps the inquiry may be indulged, whether there has been, through all time, and is now throughout all christendom, this harmony and universality of opinion?

It is true, the Jews were forbidden to take any thing for the use of money from those of their own nation, but were unrestrained in their exactions from their gentile neighbours. This was no statute for the regulation of the price of money. The peculiar condition of the Jews rendered it proper that they should be restrained from all exactions from each other; but the ordinance admits the principle, that where any compensation was admissible, the amount of it should be left to individual agreement.

England has had usury laws for two hundred and fifty years; but England claims to have enjoyed the blessings of civilization for a much longer period. In that country, usury forfeits all securities contaminated with it; and her courts exercise an acute perception and ceaseless vigilance to discover it, and an unsurpassed inflexibility of purpose to enforce her statutes and punish all infractions. Yet the legislature has been compelled to interpose to protect the community from the evils apprehended from judicial construction; and more recently, has instituted an inquiry as to the practical op-

ration and effect of those laws, with a view to their modification or repeal.

In France, interest is limited to five per cent on such securities as mortgages, and six on commercial transactions ; but by a bonus paid beforehand, and not forbidden, money is raised to its market value, and the law rendered nugatory.

In Holland, if there be any statute against usury, it is obsolete, and the price of money varies with the market.

In Hamburg—The common law of the German empire, is six per cent ; but it is not applied to commercial transaction. The bill market is free. The rate of interest on accounts between merchants is generally five per cent ; but discount varies greatly.

Frankfort—Five per cent on real security ; but on bills, no limit.

Bremen—No limit.

Russia—Legal rate six per cent ; but the law constantly evaded. The Imperial Bank at Petersburg discounts at a rate fixed every fortnight.

Austria—Legal rate six per cent on real estate, but on bills unlimited.

Prussia—Five per cent on real property, but unlimited on personal security.

Trieste—Six per cent, but on bills either legally or practically free.

Leghorn—Six per cent between merchants on accounts, but no law regulating interest on commercial transactions.

Genoa—Legal rate four per cent, but left free to individual agreement.

Spain—Six per cent between merchants, but money is free.

Portugal—The ancient and close ally of England has usury laws, but they are evaded by means of a bonus or premium.

This review, comprising the most of commercial Europe, shews by the test of actual experience the judgment of mankind upon the policy or utility of statutes against usury. On the continent generally they are a dead letter. In some States there are none, in others they are obsolete and wholly neglected, and where they do exist,



the facility of evasion by means of a bonus or premium actually paid and not forbidden, renders them inoperative. Generally they are confined to mortgage securities, while mercantile operations are left unshackled to the agreement of the parties. England is the only country in Europe, where usury laws, with severe penalties exist, or are enforced with rigor. And there, it is said, the actual price of money is greater than on the continent. In this country there is also much diversity of opinion. Several of the States have usury laws forfeiting the security, and subjecting the usurer to penalties, copied substantially from the English statute. Such was the law in Massachusetts, but it has been repealed, after an existence of more than forty years, and its place supplied by an act forfeiting only treble the amount of interest exacted.

In New-Hampshire and Pennsylvania, the securities are not made void, and securities for the payment of money may be purchased at any discount, without incurring the penalties of usury.

In Rhode-Island only the interest is forfeited, the principal is recoverable, and the statute is seldom if ever enforced.

In Missouri the legal rate of interest is six per cent, but the parties may contract for ten, and if more be exacted, the interest is forfeited.

In Illinois there is no statute regulating the price of money.

Kentucky adopted the English statute with all its penal provisions; but has abolished it, (in 1819,) and substituted one fixing the rate of interest without penalties. The principal and legal interest can now be recovered under any circumstance.

Ohio tried a usury statute with rigorous penalties for twenty years, (from 1804 to 1824,) then repealed it, and enacted another, merely fixing a rate of interest, but imposing no forfeiture.

Alabama, after thirteen years trial of a statute against usury, fixing a rate of interest lower than her neighbors, Louisiana and Mississippi, changed it for one without restrictions.

This inquiry might be extended farther, with a similar result. It has been indulged to an extent sufficient to illustrate the fact, that the opinion and the action of the whole civilized world, are in favor of relaxation in the legal provisions affecting the price and the use of money.

Whatever may have been the necessity for statutes against usury at the time of their first enactment, or their immediate use, they were made for other times and a far different condition of the world. They came into existence before commerce had produced revolutions in business and property, and in the social condition. They were not enacted to regulate transfers of negotiable paper, but existed long before promissory notes were made negotiable by statute; before distant communities learnt to increase their comforts by an interchange of commodities; when manufactures, as a great and distinct occupation, were unknown; the avocations of men, few and simple, and a vast proportion of the aggregate amount of property consisting of real estate: before paper had become the representative of money, extending its capacities and performing its uses. At that period, the dealers in money were few, and those chiefly belonging to a proscribed race. Religious intolerance stimulated and sustained the policy of restriction.

Indeed, the statutes against usury were a relaxation of the absurd severity of the canon law, by which all interest was forbidden. It was a relaxation extorted from bigotry by the necessities of mankind.

Usury laws owed much of the veneration they inspired and long retained, to the influence of prejudice and intolerance. The spirit of the times condemned the usurer, as it did all heretics in matters of faith. The sentiment was universal. It pervaded all classes. The usurer was the object of vulgar prejudice, the "proud man's contumely," and "the bigot's scorn." They called him "misbeliever, cut-throat, dog, and spit upon his Jewish gaberdine." Acting upon the universal prejudice, and ministering to its morbid cravings, the imperial powers of the monarch of the drama, were exerted to confer upon him a deathless infamy.

That prejudice has had a long transmitted dominion over the human mind. But commerce and illumination have limited its sway, and weakened its power. It is now proclaimed from the highest tribunal in the land, that "usury has long since lost the deep moral stain that was formerly attached to it, and is now regarded as immoral or illegal, only because it is forbidden."

If it be innocent in the judgment of mankind, a question arises for the decision of casuists, whether the immorality consists in the practice, or the prohibition?

Great changes have been wrought in opinion, and greater still in the condition of the world.

If considerations of expediency could be tolerated—and if the question be doubtful they may be—the inquiry might well be indulged, whether it be the part of wisdom to draw tighter the cords of restriction against the general inclination now, when the spirit of enterprise is abroad, alert and vigorous, searching every recess in creation for hidden treasure, and when every part of the globe is overshadowed by the restless wings of commercial adventure; when credit is indispensable in every department of business, and the transfers of negotiable paper essential to its aliment and support.

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The committee are enabled to present, as the result of the information obtained in relation to legal interest, that it has little if any influence on the money market when not guarded by penalties, and when so guarded its influence augments the evil which it was designed to cure; and that it has gradually sunk into disrepute and disuse with commercial nations.

Usury was once treated by Legislators as a crime, and bounties offered to stimulate informers and prosecutions. More recently it has been held to be an offence against the commercial interest, and has been restrained by forfeitures only.

Both opinions have now yielded to more enlightened and liberal maxims, and it only remains for legislation to conform itself to these opinions, in such manner as not to produce the evils which almost always attend a change in commercial regulations, even from bad to good.

It may, therefore, be worthy of consideration, whether a limit to the rate of interest, as proposed in the bill under consideration, ought not to be retained; a limit so high, however, that the maximum market rate would seldom attain it.

The committee, however, recommend that legislative action on the subject be postponed, that a subsequent Legislature may have the benefit of the information collected by the present.

## DOCUMENTS.

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### Facts and opinions on the Interest Laws.

( A. )

*Minutes of evidence taken before the select committee of the House of Commons, England, on the Usury Laws.*

**David Ricardo, Esq.** Have you that experience to say, or have you perceived whether those laws are beneficial or otherwise?

I think otherwise.

In what respect do you think otherwise?

It appears to me, from the experience which I have had on the stock exchange, that upon almost all occasions they are evaded, and that they are disadvantageous to those only who conscientiously adhere to them.

Will you state to the committee if you think that any good effect is derived by the public from the usury laws?

I think no good effect is derived from those laws.

Are you aware of any inconvenience that would result from the repeal of them?

None whatever.

**George Frere, Esq.** To what extent do you conceive that the legal restraint on the rate of interest has increased the expense of borrowing, under the circumstances which you have described?

I should think that in many cases people have been obliged to borrow at the rate of from 9 to 12 per cent by granting annuities, when if it had not been for these restrictions they might have procured money from 6 to 8 per cent.

**Mr. Thomas Nowlan.** The result of my experience thus acquired is, that the usury laws, as they affect the landed interest, the commercial interest, the condition of the poor, and the general morals of the people, are certainly injurious, and have tended to aggravate the evils which these laws intended to remedy. I conceive that the value of every article must be regulated by its abundance or its scarcity in the market. When it is abundant it will be cheap; when scarce it will be dear. Every security and facility ought therefore to be afforded in bringing any article to market; and the usury laws appear to me to diminish that security and facility in bringing money to its proper market.

**Thomas Kemble, Esq.** If the present usury laws were abolished, and individuals were not restricted from taking more than 5 per cent,

would they frequently be willing to accommodate the mercantile interest and prevent such sacrifice in the precipitate sale of the goods?

Decidedly so. In my opinion there would not be a want of money if it was not for the 5 per cent interest.

How is that generally avoided?

With us the only way to avoid it is by putting them into the hands of the broker; but the broker cannot always keep those goods; the broker must sell to employ his money again afresh.

*Nicholas Warin, Esq.* In the course of your experience has it occurred to you to become acquainted with the statute of usury; and if so, will you be pleased to state to the committee your opinion with respect to its influence upon the trading and commercial interest of the country?

I have made myself acquainted with the laws against usury. Whenever they are not nugatory in consequence of the low market rate of interest, I think them in every respect detrimental. They certainly must raise the rate of interest.

Why?

Because whenever the market rate is above the legal rate, the lender must be paid, in addition to that market rate, a premium for his risk consequent on a breach of the law, and for the opprobrium attaching to lending money above the legal rate.

*S. C. Holland, Esq.* A man in distress for money pays more interest, owing to the usury laws, than he would if no such law existed, because now he is obliged to go to one of the disreputable money lenders to borrow, as he knows the respectable money lender will not break the laws of his country. The disreputable money lender knows that he has the ordinary risk of his debtor to incur in lending his money, and he has further to encounter the penalty of the law, for both of which risks the borrower must pay. If no usury law existed, in common cases, and where a person is respectable, he might obtain a loan from the respectable money lender, who would then only have to calculate his ordinary risk, and the compensation for the use of his money.

*Joseph Keye, Esq.* It occurs to me that it must be extremely inconvenient to all persons having large pecuniary transactions, that a maximum should be put upon the interest or value of money, as it is the general means of procuring all the necessities and luxuries of life; and it can never be expected that men in good circumstances and men in distressed circumstances, should be able to obtain loans of money upon the same terms; the consequence is that the needy and distressed borrower is compelled, by various devices to evade the laws against usury, to pay a most exorbitant commission, and other expenses in order to obtain a loan of money, which although he could not probably obtain at the limited rate of 5 per cent, he could obtain at a small advance upon that interest if the laws of usury did not prevent such a transaction from being legal.

To remedy those inconveniences which you have enumerated in mercantile transactions, would you recommend a partial or a total abolition of the usury laws?

I think that the total repeal of the usury laws would be the most beneficial to the public, both with respect to the commercial part of community, and to the interest of those who may have occasion to borrow money upon landed security. I think the general interest of every description of men who may be in a situation to have occasion to borrow money would be benefited by the repeal of the usury laws; for if money is scarce they cannot obtain it at the ordinary rate of interest, at any permanent time, upon securities however good, and must therefore have resort to the means of raising money, which is extremely injurious to them, and they will not only have to pay above the legal interest, but will also have to compensate the lender for the risk he runs in lending money upon terms that must bring him within the operation of the laws against usury. If money is plentiful, the borrower then would have no difficulty in borrowing money upon good security, at even a lower rate of interest than the legal rate, supposing the general interest of the funds, and other saleable securities, should produce much below the legal interest.

If any restricted rate of interest is to exist, do you conceive it desirable that it should be the same throughout the whole of the empire?

My opinion is that there should be no fixed rate at all; and if a restricted rate of interest prevails, I am of opinion there will be much more difficulty in borrowing money at such restricted rate of interest, at distant parts of the empire, than in, or near, the great money market of the metropolis; for it is found even where money is plentiful, to be extremely difficult to borrow money even upon unexceptionable landed security, in Ireland, even at 6 per cent, and upon landed security in the colonies, I believe scarce any loans are advanced, except with a view to the commercial business of the plantations upon which they are advanced.

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(B.)

*Copy of a Letter from J. M'VICKAR, Esq.*

COLUMBIA COLLEGE, N. Y. 3 June, 1831.

GENTLEMEN,

I have received the circular you have done me the honour to address, and forthwith return you such information as occurs to me on the important subject to which it relates. Confining myself to the single question which, by the manuscript alterations in the circular, seems addressed to me, viz. the state and influence of usury laws in Europe, I will first state the facts, and afterwards add the opinion of the most intelligent practical men in England on the subject; which I am fortunately enabled to do, by having recently received from Sir H. Parnell some communications containing them.

Since the receipt of yours, I have again written him expressly on this subject. Should his answer contain any further information, I will communicate it to you.

The list [comprised in the quotation from Mr. Maynard's opinion,] might be enlarged, but it probably comprehends all the facts that are wanted. In all these countries, experience goes to show that usury laws are either nugatory, or injurious to the very party whose interests the law professes to defend. On the continent, generally, they are a dead letter. In some states the laws are obsolete, and altogether neglected; in others, the facility of evasion, by means of bonus or premium, renders them inoperative; and in more of them, they are confined to mortgage securities, while mercantile operations, which comprehend  $\frac{2}{3}$  of the whole, are left unshackled to the mutual interest of the parties.

In England, the severity with which the usury laws have been enforced, has made them more injurious; and in every instance that they operate at all, it is to the injury of the borrower. This may be judged of, from the high rate of interest paid to the owners of money thus employed: On an average, it seldom falls below 10 per cent.

In our own State, before the late revision of our laws, the English principle was adopted, viz. that the ignorance of the holder was not a good plea against the penalty of an originally usurious contract. But since the revision, that principle, as I understand, is set aside; and the statute against usury, as informed by our chief brokers, is now altogether a dead letter, since it only requires the intervention of a third party to make any interest legal.

The views of the ablest practical men in England on this subject, I enclose,\* and can, if wished, enlarge; but I presume you will find it too clear a case to require much authority.

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(C.)

*Copy of a Letter from the Hon. JOHN QUINCY ADAMS.*

QUINCY, 31 May, 1831.

GENTLEMEN,

I have received your printed circular letter of the 14th instant, and answer your particular questions in the order in which you have presented them.

1. What is the legal interest in this State, and in foreign states known to me?

The legal rate of interest in the commonwealth of Massachusetts is at the rate of six per cent a year. I have no certain knowledge of the legal interest at this time in any foreign country: I have understood that of Great Britain to be five per cent a year.

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\* Vide supra: Minutes of Evidence before a committee of the House of Commons.

## 2. What penalties guard the law? (in Massachusetts.)

By the statute of the 20th of June, 1826, it is provided, that in any action brought on any contract or assurance for the payment of money, whenever it shall appear to the court by the pleading, and on application of the defendant, that a greater rate of interest than six per cent a year shall have been directly or indirectly taken, the defendant shall recover his full costs, and the plaintiff shall forfeit threefold the amount of the whole interest reserved or taken, and shall have judgment for the balance only which may remain due, after deducting threefold the amount of said interest. And whenever usurious interest shall have been *paid*, the party paying it may, by action brought, or bill in chancery filed *within* two years thereafter, recover back threefold the amount of the interest paid.

By the second section of the same act, all banking or other institutions incorporated in the Commonwealth, are prohibited from reserving, taking, or receiving higher than the legal interest, upon penalty of forfeiting threefold the amount of the whole interest taken or reserved, to be recovered by indictment or information, to the use of the Commonwealth.

By the fifth section, it is enacted, that in the trial of any action wherein it shall appear by the pleadings that the fact of usury shall be put in issue, it shall be lawful for the debtor, the creditor being alive, to become a witness, and his testimony shall be received as evidence; and the creditor, if he shall offer his testimony, shall be received as a witness, together with any other legal evidence that may be introduced by either party.

The act does not extend to the letting of cattle, or other like usages among farmers; nor to maritime contracts of bottomry, insurance, or course of exchange.

## 3. At what interest is money generally borrowed in your State, on the best security?

It varies according to the time, place and circumstance; influenced not only by the character of the security, but by the credit of the borrower. The principal money lenders throughout the State are the banks. When the demand for money runs low, the competition between the banks reduces the rate of interest sometimes to four per cent, and some banks discount at lower rates than others. Whenever good employment can be found for capital, the interest immediately rises to the limit of the law, and sometimes encroaches largely upon that.

## 4. Can loans be generally obtained to the extent desired?

Generally? No. In Boston and its vicinity, during the year 1830, persons in good credit, and upon good security, could obtain loans to any reasonable amount at 5, and if sharp-sighted, at 4 per cent. It would be difficult to obtain loans at the same rates now. There is a State tax of one per cent upon the annual profits of the banks incorporated by the Legislature of the State.

## 5. In my opinion, is the effect of our laws on the subject of interest adverse to the prosperity of the State, or favorable?

Adverse, or at least not favorable. I have long believed that all legislative enactments in the nature of penal laws against usury, are



incompatible with the spirit of free government, unjust in principle and inefficient in practice.

In the year 1803, I was a member of the Senate of Massachusetts. The law of the State against usury was then more severe than it is now. It declared all usurious contracts null and void, and made the whole debt recoverable by indictment or prosecution by a common informer, with whom the State divided the plunder half and half. It further authorised the debtor, upon action brought by the creditor upon any contract of loan, to tender his own oath that it was usurious, and unless the creditor would swear that it was not, judgment was to be given for the defendant, the whole contract being held null and void. This had been the old law of the province before the revolution, and had been re-enacted March 11th, 1784. It was an Empson and Dudley law, which none but scarified characters ever attempted to carry into execution, and was very generally detested. I introduced into the Senate a *bill* entitled "An act for the more effectual restraining of usury." It provided that, upon any action at law, on any contract of loan, the principal and 6 per cent interest should be recoverable *and no more*. It put down all indictments, all *qui tam* prosecutions, all sharing between the Commonwealth and the common informer, and all swearing and counter-swearing of the debtor and creditor themselves.

My bill passed through both branches of the Legislature, but was negatived by the Governor, Caleb Strong. He thought it would not be a more effectual restraint upon usury than the old law. I have never since been a member of the Massachusetts Legislature, and the old statute stumbled on till 1825, when it was repealed.

Perhaps while imprisonment for debt remains a part of the law of the land, some law more rigorous than my projected statute may be necessary. I did very sincerely believe that my statute, forfeiting only the excess beyond legal interest, would be a restraint more efficacious upon usury, than any nullifications of the whole contract—*qui tam* peculators, or temptations to perjury. Perhaps I was mistaken. My observations since that time have not been much turned to the operation of usury laws, or to devising laws more really efficacious in behalf of debtors. There should be some power in the community competent to release the sufferer from the obligation of *hard bargains*. Further than this, legislatures should not interfere with contracts. I still retain this opinion, but am conscious that it is of little weight, compared with that of others who have had the subject longer and more constantly under investigation. It is at your service for any use which you may think proper to make of it.

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( D. )

*Extract from a letter of Peter S. Duponceau, Esq. Penn.*

PHILADELPHIA, 26th May, 1831.

1. The legal interest in this State is at the rate of six per cent per annum.

2. The penalty which guards the law establishing this rate of interest is the forfeiture of a sum equal to the amount or value of the money or thing lent, recoverable in a *qui tum* action by any informer. The usurious contract is not avoided, as in England and elsewhere; but in an action for money lent the plaintiff can only recover the real amount or value of the loan, with the lawful interest. Securities for the payment of money may be *bona fide*, purchased at any discount, without incurring the penalties of usury. Such purchases are considered legal.

3, 4. Money may be had on loan at this time, on *good security*, at the rate of 5 per centum per annum; I believe to any extent—I mean in this city. Of money transactions in the interior I have no knowledge.

5. I do not believe that our usury law, mild as it is, has any remarkable effect one way or the other on the prosperity of the State. If it affects any class of men particularly, it is the poor, who are obliged to have recourse to the *pawn brokers*, who never fail in their bargains to calculate and include the risk of forfeiture. This is an evil which affects particularly those indigent persons who have seen better days, and unwilling to make their distress known, recur to that miserable resource.

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( E. )

*Copy of a letter of Hon. Lewis Cass.*

DETROIT, July 18th, 1831.

GENTLEMEN,

I have received your letter of May 23d, and in answer have to state, that until Jan. 1st, 1830, the rate of interest in this Territory was 6 per cent. At that time it was raised to 7 per cent. Our statute regulating this subject is essentially the same as that of New-York, recognizing the doctrine of usury, and endeavoring to prevent it by the usual prohibitions and penalties; and I imagine with as little success as has attended this effort elsewhere.

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( F. )

*Letter from the Hon. R. M. Johnson, Kentucky.*

BLUE SPRINGS.

GENTLEMEN,

Your communication has been received, and an answer delayed till this moment, requesting information as to the rate of interest fixed by the laws of our State, and several other suggestions connected therewith. The rate of *legal* interest is six per cent; and no *general* disposition has been manifested to depart from that standard.

Previous to the year 1819, the English and Virginia laws had been adopted, in the *general* to guard its violation. The penalty was considered severe, viz. the loss of the debt upon proof of the fact of usury. During that year the penalty was greatly mitigated, I might say entirely done away, for now the principal and legal interest can be recovered under any circumstances. Money is generally borrowed by men in good circumstances and standing, at from 8 to 10 per cent. I doubt whether loans can be obtained to the extent desired in this State, at those advanced rates, upon the best security. I do not believe that loans can be had to any desirable extent, at the legal interest. I regard usury as an evil, and adverse to the prosperity of the State, just in proportion as the rate required goes beyond what the *general sense* of the community has established as the true standard of value; all irregularities are burthens and dangerous; and as they cannot be avoided, facilities should never be afforded to increase them.

There are difficulties on both sides of the question; the old law was too severe in its operation, and reflected too much discredit on the debtor who availed himself of it. The new law seems to be a dead letter, and therefore defective. The instances are *rare* of any person resorting to it for relief. Persons in embarrassed circumstances are *generally* the victims of the usurer. It is an evil difficult to be guarded against. My mind has not been much occupied with this interesting subject, and therefore I am not prepared to recommend a remedy.

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( G. )

*Extract from a letter from Samuel A. Foot, Esq. Ct.*

CHESHIRE, Ct. 23d May, 1831.

GENTLEMEN,

In reply to the questions in your circular of the 14th instant:

1. The legal interest in Connecticut is 6 per cent:
2. The penalties: 1, Usurious contracts are void; 2, Forfeiture for taking more than the lawful interest, the full value of the money or other property on which unlawful interest, <sup>has</sup> been received; one half to him who shall prosecute to effect; the other half to the State treasury.

This is our revised statute and present law. The old statute went much farther; made it the duty of grand jurors to present persons guilty of taking unlawful interest, to a justice of the peace, who might bind such persons over to the next county court; and on their refusing to give bonds of \$334, to commit them to the common jail; and the county court were authorised to bind such usurer "*to his good behavior*," at the discretion of the court; and for a second offence his bond was forfeited; and these penalties in addition to the first section, declaring the contracts to be void.

( H. )

*Copy of a letter from S. Smith, Esq. Maryland.*

BALTIMORE, May 1831.

GENTLEMEN,

I am favored with your letter of 14th inst. requesting information on the subject of interest of money in Maryland. The legal interest in this State is now, and has been for more than a century, 6 per cent. The penalty for taking a higher interest is, that the usurer can not recover his debt in any court of judicature, nor can he be admitted to a dividend, in case the debtor becomes insolvent. On the best securities money is readily obtained at five per cent, and on one occasion at 4½. Those are the stock of the U. States: the bank stocks of the U. States and city: the State and city stocks. On common security loans are with difficulty obtained at 6 per cent. This is owing to the irregularity of the payment of the interest, its uncertainty, and the great trouble and difficulty of recovering the principal.

Loans on the best securities can be obtained to any probable extent, perhaps not to any amount that might be required. I am an old man, and may have prejudices bottomed on education. Our system has in my opinion worked well, and has been salutary, and I think is all that could be wished or desired. I should regret any change, and would deprecate a repeal of the law and the opening of the charge of interest to any rate that the lender might demand, and the wants of the borrower compel him to accept.

There is no restraint in France, and the interest of the day is adjusted on the exchange in the same manner as a bill of exchange; the interest generally ranges from 6 to 10 per cent, and may be averaged at 8 per cent.

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(I.)

*Copy of a Letter from D. BURNETT, Esq. Ohio.*

CINCINNATI, August 25, 1831.

GENTLEMEN,

I have received your letter of the 15th instant, and with pleasure communicate the information you request as far as it is in my power to do so.

Shortly after the establishment of our State government the Legislature passed a law fixing the rate of interest at 6 per cent, and subjecting any who should demand or receive more than 6 per centum, to a penalty equal to the whole debt or demand. That law continued in force till the year eighteen hundred and twenty-four, a period of about twenty years. A considerable number of those who had observed its operation, during that time, were of opinion that it did not produce the effect intended, and some believed, that it rather augmented the evil by prompting the lenders of money to

exact an increased interest in consequence of the risque to which it subjected them. This opinion became so prevalent, that in 1824, the Legislature determined to abolish the penalty, and for that purpose repealed the law. At the same time they passed a short act declaring that all creditors should be entitled to receive interest, (in the cases enumerated in the act,) at the rate of six per centum per annum, and no more. Under this statute, which is still in force, it has been decided in the court of common pleas, that although the lender has a right to ask and receive any rate of interest that the borrower will consent to pay, yet the borrower by appealing to court may protect himself against the payment of more than six per centum per annum, or the principal sum appearing to be due on the face of the instrument. I believe however that on this point no construction has been given to the act in the Supreme Court.

As far as my own observation has extended, I have not discovered any injurious effect produced by the repeal of the act of 1804, for the prevention of usury; nor have I heard it complained of by others. It is my impression that money is now obtained, on safe security, on better terms than it was had while the penal act was in force.

In this city, money is now loaned at the rate of eight per cent generally, where the security is unquestionable, and the standing of the borrower or payer insures punctuality of payment. In cases where the security is ample but punctuality of payment is doubted, ten per cent is ordinarily exacted; and on these terms loans can generally be obtained to the extent required.

The rate of interest varies in other cases in proportion to the risk resulting from the doubtful nature of the security. I am not able to inform you on what terms money is loaned in other parts of the State.

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( J. )

*Extract from a Letter of Hon. David Barton, Missouri.*

ST. LOUIS, 28th July, 1831.

Our interest by statute is 6 per cent; but the parties may contract for 10 per cent. If more be taken, the amount of the excess is deducted from the principal, and all interest is forfeited on conviction. Pleas of usury are seldom sustained by proof.

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( K. )

*Extract of a Letter from George Collier, Esq. Missouri, to the Hon. David Barton.*

ST. LOUIS CT'Y, July 28th, 1831.

*To the 5th question*—I consider our laws on the subject of interest as well adapted to the present condition of our State, as we

could expect to get them. In a new State like ours, money is worth more than in older States, because it is more actively used, and our population is of a more mixed kind, and full of speculation.

It is therefore for the interest of this State, at least for a time, to offer a higher interest for money than is paid in the older States, to induce the capitalists to send their money here to seek employ.

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( L. )

*Extract from the report of Wm. Bard, Esq. to the board of Trustees of the Life Insurance and Trust Company, relating to Life Insurance.*

Mr. Finlaison, actuary of the national debt of Great Britain, states in his report to the Lords Commissioners of His Majesty's Treasury, dated 4th June, 1829: The average rate of interest has been discovered by me with the very greatest certainty; many questions of importance depend on its being known, and therefore I thought it useful to have recourse to a laborious investigation, in order to ascertain it beyond all doubt. I went over all the purchases made by the commissioners for the reduction of the national debt in every quarter of a year, from 1786 to the present time, and I discovered that the variable rate of interest resulting from the investment of money in the 3 per cent at their fluctuating prices, from day to day, was in the long run the very same, entirely to the minutest fraction, as the constant rate of  $4\frac{1}{2}$  per cent. Thus the average rate of interest for money in the 3 per cents, the highest of all government securities, has stood for 40 years at  $4\frac{1}{2}$  per cent. Mr. Finlaison adds, now looking to all circumstances, especially to the gradual accumulation of capital in the country, it might not perhaps be wise to infer, that the average rate of interest for the next 30 or 40 years would come up to  $4\frac{1}{2}$  per cent. If it should be taken at 4 per cent. it is utterly inconceivable that the public can sustain any injury, because allowing a half per cent for the continual accumulation of capital, which probably has been going on and will go on for some time, such an allowance as a half per cent is amply sufficient. It is admitted, however, in regard to the probable future rate of interest, that it is merely matter of judgment, on which every honorable member can decide for himself. All I can assert as a matter positively known is, that the rate I have stated has been the mean rate for the last 40 years.

The above remarks by Finlaison lead to several reflections. The legal rate of interest in England is 5 per cent, while the average rate of interest deduced from its public stocks is  $4\frac{1}{2}$  per cent, only  $\frac{1}{2}$  per cent less. I have not the means by actual investigation of our public stocks to state what rate of interest they would indicate to be the average rate of interest in this country. Taking them as they stand at present, they would not produce the purchaser more than  $4\frac{1}{2}$  per cent, while it is well known that money readily demands on bond and mortgage 6 and 7 per cent, and the legal interest of the most commercial State in the Union is 7. Why is there

this difference between the rate of interest indicated by our public securities and compared with the legal rate of interest, and the rate of interest indicated by the public securities of England compared with its legal interest? Two reasons I think may be given for this: one that the amount of our public securities is small and the demand for them great by that class of purchasers who have other motives for the purchase of them than the mere consideration of interest. Another, that being an article of commerce, and sent to England to be sold, where confidence in them is perfect, and where bidders and capital are abundant, their price rather indicates the value of money there than at home.

In the city of New-York, where there is frequently an accumulation of capital, waiting employment; the holders of which, for short periods, are willing to dispose of it at a low rate of interest, the discount of good mercantile notes does not offer the desired information. The rate of these discounts are so much affected by accidental circumstances, as not to show the permanent value of money; and if an average of the lowest and highest rate was to be taken, would place the average much below the truth. I know of no better means of determining the true value of money in the city of New-York, than by an examination of the interest allowed for the past year on bonds and mortgages in the city of New-York. Money was plenty in an unusual degree during the last year. This, together with the circumstance, that in New-York, owing to the great number of lenders brought together, loans are always at a lower rate of interest than in the country, will make it safe to adopt the average of interest in the city as the average of the State.

From March 1830, to February 1831, both inclusive, there was loaned on bond and mortgage in the city of New-York,

|                      |           |
|----------------------|-----------|
| At 5 per cent, ..... | \$444,398 |
| 5½ do .....          | 222,252   |
| 6 do .....           | 4,253,587 |
| 6½ do .....          | 57,100    |
| 7 do .....           | 1,639,305 |

The whole amount of loans were, within a trifle, at an average of 6½ per cent. Out of the city of New-York and in the State, it is well known that the interest of money is higher than in the city: It is also known, that in a few of the States, money is in less demand than in the State of New-York; it is much higher in others. For the purpose of any calculation, therefore, it will be safe to say the average rate of interest in the United States is six per cent.

**IN SENATE,**

**April 20, 1832.**

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**MEMORIAL**

**Of Adam Hoops, praying for relief in relation to injuries he has sustained under certain contracts for lands purchased of the Holland Company.**

*To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.*

**The memorial of Adam Hoops**

**RESPECTFULLY SHEWETH:**

That in the spring or summer of the year 1800, your memorialist made an application to Mr. Paul Busti, the general agent of the Holland Land Company, for the purchase of a considerable quantity of lands, to be paid for by means of re-sales to settlers, this purchase not to be within the limits of an agency already established under Mr. Joseph Ellicott, (your memorialist having in view a plan to be executed by himself, with the aid and under the countenance of the Holland Company, should it be approved when explained, as he presumed it would, it being calculated to promote their interests by bringing into notice a section of their territory then inaccessible by any road, and from report containing a large portion of lands, supposed to be of but little value, and which was afterwards deemed by the company's agents as not worth the taxes.)

A letter of introduction, from General Hamilton, was delivered to Mr. Busti by your memorialist, when he made his application, which might, perhaps, with propriety be considered an inquiry whether the Holland Company would make such a sale to him as the application contemplated, including the beginning of a settlement by them on the lands in the intended purchase, at which your memo-



rialist should reside and make re-sales, to actual settlers, of lots or tracts suitable for farms.

In answer to this application Mr. Busti said, that not being at present authorised to make a sale of lands, such as was contemplated by the application of your memorialist, he must submit to his principals in Holland. Your memorialist having afterwards called on Mr. Busti several times, at intervals of some months, understood from him that an answer to his application had not yet been concluded on. At length your memorialist received from Mr. Busti a letter, dated Philadelphia, April 29, 1802, reviving and confirming the hopes he had entertained, from his first visit to Mr. Busti nearly two years before, which having been so long deferred, had become almost extinct. On receiving this letter, your memorialist disclosed to Mr. Busti, in writing and in conversation, the circumstances and views which had induced him to think of a purchase of lands in the part of the company's territory lying on the Allegany waters, then deemed less inviting than any other in their territory, with a plan suggested to him by these views and circumstances, referring specially to the effect which the execution of that plan must necessarily have in promoting the interests of the company on an extensive scale. Mr. Busti, in his answer, (dated 22d May, 1802,) to the explanation made by your memorialist, approved the plan, objecting only to one particular, proposed as a part of it, which not affecting the fundamental principle of the plan, was waived. He also, in a letter addressed to Mr. Ellicott, dated 7th June, 1802, as a letter of introduction for your memorialist, approved the principles on which the plan was grounded, as far as he could judge of them. The views of Mr. Busti, relating to the plan of your memorialist and to the principles on which it was grounded, being thus distinctly expressed, your memorialist set out on the 10th June, 1802, to explore the quarter of the country in which he proposed to make his purchase, in order to ascertain where lands might be had suitable to his purposes, as explained in his former communications. Being desirous before he set out to know, as nearly as might be, what terms and conditions of sale would be granted to him, Mr. Busti informed him that it was proper to consult Mr. Ellicott, the land agent in the Genesee country, on that head, but that your memorialist might rest assured that they should be satisfactory to him, it being the intention of Mr. Busti that the views of your memorialist should be promoted, and that of his principals; that every accommodation necessary to

that end, and consistent with their interests, should be granted to him.

After the return of your memorialist he delivered to Mr. Busti a memorandum, dated 9th August, 1802, containing brief observations on his exploration, with references to the plan submitted to Mr. Busti, after the receipt of his letter dated 29th April, 1802, and recognized by him in his above mentioned letters, dated 22d May and 7th June, 1802. But unfortunately an alleged want of the information expected from Mr. Ellicott prevented Mr. Busti coming to a decision on the terms and conditions of sale for the present, and it became necessary for your memorialist to make a second journey to the Genesee country, in order to confer with Mr. Ellicott on that subject. This caused further delay, leading to further negotiations. At length a contract for the sale and purchase of twenty thousand acres of land was signed by Mr. Busti and your memorialist, on the 31st January, 1803.

It is not necessary to the immediate purpose of your memorialist to notice, for the present, the transactions between the Holland Company's agents and himself, under that and two subsequent contracts. He accordingly passes on to the institution of a suit in chancery, which, after several extensions of credit of a character similar to that of Mr. Busti's negotiations leading to the sale and purchase, and to be understood only from a development of the circumstances leading to and resulting from those transactions, was brought, by order of Mr. Busti, to foreclose a mortgage held by the Holland Company, on about one-half the lands contained in the original purchase made by your memorialist, he having been under the necessity of relinquishing the other half long before.

A decree of foreclosure having been passed by default, in the year 1820, the lands were sold at auction in the city of New-York; by which sale the fruits of many years exertions, made by your memorialist in the decline of his life, were wrested from him, together with all hope of recovering any part of a considerable amount in money actually expended in those exertions; the necessary effect of which was, to promote largely the interests of the Holland company.

Such was the destructive issue of a purchase of lands in which your memorialist had been led to engage by an official annunciation made in the above mentioned letter of 29th April, 1802, that the

sale was intended as an exception in his favor, worked out by General Hamilton's recommendation of his personal character; Mr. Busti, in his subsequent "negotiations," giving him to understand, that in case of non-performance of the articles of agreement about to be entered into, the known generosity and benevolence of the members of the Holland Company, might serve him as an assurance against the disagreeable measure of resorting to the law, as long as their agents should think a postponement of that resort any way compatible with their interests.

Your memorialist having referred to the decree under which his lands were sold, as having been passed by default, begs leave to refer also to the occurrences leading to that event.

The credit of your memorialist, as well as such funds as he could command from his own resources and from the kindness of his friends, being at length exhausted by his long and unequal struggle with the agents of the Holland Company, who had at their disposal the funds of that company, derivable from their lands, your memorialist was, at the time when the usual notice was given, which excludes the introduction of further testimony, unable to provide for the actual expenses necessary to further proceedings on his part, and on that account he remained not prepared for trial, although resolved to meet his adversaries on their own answers in chancery, if they should proceed to bring the cause to a hearing, which there was good ground for believing they would not venture to do. From a concurrence of circumstances not to be foreseen, but which may be easily understood, by referring to certain facts of public notoriety that had then recently occurred, the suit was brought on before the Court of Chancery at Albany, in the absence of the counsel of your memorialist, who had been some weeks there on business in the Supreme Court, but had set out not more than three days before for the city of New-York, not knowing that a notice of trial had been given by the solicitor of the Holland Company to the solicitor of your memorialist, both residing in that city: A full and distinct view of the occurrences relating to this part of the subject, would shew satisfactorily, that no inattention is imputable to the counsel or solicitor of your memorialist, in whose behalf they took a warm interest; nor any unfairness or professional rigor to the counsel or solicitor of the Holland Company. That the concurrence of circumstances above alluded to was merely accidental, and that from the proceedings which came within the view of the Court of Chancery,

a decree in favor of the Holland Company, if insisted on by their counsel, was unavoidable.

Your memorialist begs leave further to refer to certain facts set forth in the separate answer of Mr. Busti, which, but for the accidental concurrence of circumstances above alluded to, must have fallen under the cognizance of the Court of Chancery.

In the course of the suit, your memorialist filed a cross bill, to which an answer was made for the company, with separate answers by each of their agents. From that of the General Agent, it appears that he considers his letter of the 29th April 1802, merely a commencement of "negotiations," and not as intended to announce to your memorialist an exception in his favor, worked out by General Hamilton's recommendations of his personal character, in relation to his contemplated purchase; and also that his recognition of the plan, and of the principles on which it was grounded, submitted to him after the receipt of that letter, was not only not in accord with his real opinions relative thereto, but that on the contrary, he actually considered the plans of your memorialist as speculative and visionary, and as promising little or no advantage to the Holland Company, other than might result from the establishment of settlements in a new section of their territory.

On this part of Mr. Busti's testimony, it is to be observed, that if his real opinions, now stated, expressly relative to the plan submitted to him by your memorialist, as containing the primary object of his contemplated purchase, had not been carefully concealed from your memorialist, under the professions made by Mr. Busti in his negotiations leading to that purchase, your memorialist must necessarily have desisted from prosecuting his intention to make a purchase on the Allegany, as would fully appear from the communication alluded to in the separate answer of Mr. Busti as "a written memorandum now lost or mislaid;" and your memorialist would have escaped the ruin, in which he has been eventually involved by his confidence in the sincerity of those professions, of which, from the personal as well as official character of Mr. Busti, it was impossible to have the slightest suspicion. Moreover, these professions were such as would be suggested by a just conception of the means necessary to bring into notice and confer some value on the lands of the Holland Company lying on the waters of the Allegany, and on a portion of their other lands lying northeastwardly thereof.

Some time after the decree was passed, Mr. Busti published in a pamphlet the cross bill filed on the side of your memorialist in the course of the suit, with the separate answers of the agents, but not the answer of the company. One of these pamphlets your memorialist now begs leave to lay before the Honorable the Legislature, with copies of the documents referred to in the pamphlet and in this memorial.

An advertisement of about forty lines, printed in a clear type and open order, serves as a preface to this pamphlet, and purports to be a vindication of the conduct of the Holland Company, and of their agents, towards your memorialist. An attentive comparison of this advertisement with certain letters of the agents to each other, alluded to in their answers, one of them exhibiting strong marks of both interpolations and suppression, being given in the separate answer of the General Agent, would perhaps show that the advertisement had at least one object in common with these letters; in relation to which object there had been, between the agents, a secret understanding, calculated, if acted on, to undermine the character of your memorialist, given in his introduction to the Holland Company by General Hamilton, and thus to break the force of any appeal he might make to their sense of justice: An appeal to their generosity and benevolence he had never contemplated as necessary, although he had been assured by Mr. Busti that these sentiments, on their parts, might be relied on in case of necessity.

In immediate reference to the secret understanding above alluded to, your memorialist thinks it proper to add his full conviction, that the present agents of the Holland Company had no knowledge or privity thereof; and that no part of the censure which your memorialist imputed to the conduct of the former agents of that company, can fall on their successors. The dispositions of these agents to do justice, and to afford relief to purchasers under the Holland Company, in all cases entitled to their interposition and within the scope of their powers, have been fully realized. But the case of your memorialist, however worthy their interposition it might prove to be, on a close examination of it, free from technical embarrassments, having been judicially decided, and the decision carried into full effect, under their predecessors, may with propriety be considered not within their official cognizance. It may also be taken for granted, on very substantial ground, that the present agents are unacquainted with the real merits of the case; for, to a clear view of

these merits, a very close examination of all the circumstances of the case, in their true relation to each other, would be indispensable. But it is not to be supposed that these agents can have any authority to institute such an investigation; and should they take it on themselves to do so, and the result be, as in justice it ought to be, their constituents might apprehend some error in the proceedings leading to that result, and that it ought not to be regarded as a counterpoise to a judicial decision passed in due form of law, on proceedings regularly conducted. From these considerations, and with deference to the liberal dispositions and upright intentions of the constituents of the present agents of the Holland Company, which have been evidenced on different occasions, your memorialist has scarcely a hope, as already intimated, of obtaining any redress of the deep injuries he has sustained by his purchase made from their General Agent, under the idea of an exception in his favor, announced by him under their special authority for that purpose.

Your memorialist here asks permission to add a brief reference to the above mentioned contract of 1803, by which the original sale of 20,000 acres of land, made by the Holland Company to your memorialist, was concluded.

Your memorialist has alluded above to a second journey made by him to the Genesee country, to confer with Mr. Ellicott, relative to terms and conditions of sale. Mr. Busti having on the ground of want of information from Mr. Ellicott, declined to comply with a request made by your memorialist in his memorandum of 9th August, 1802, to have those terms established as soon as convenient.

This second journey was undertaken unwillingly by your memorialist, but it appeared necessary in order to put an end as soon as possible to the suspense which might be indefinitely continued as long as Mr. Ellicott might defer a communication of the information wanted by Mr. Busti.

Having proceeded to Batavia, and received from Mr. Ellicott such information relative to terms and conditions of sale, as he chose to give in the form of proposals, your memorialist returned to Philadelphia, and delivered them to Mr. Busti, who it was taken for granted would now come to a conclusion at once.

Before the return of your memorialist from Batavia, he was informed that Mr. Ellicott would defeat the contemplated sale and

purchase if he could. The subsequent measures of Mr. Busti, gave countenance to this information; indicating also, that Mr. Ellicott had gained an entire ascendancy over the mind of his principal. To this cause was ascribed a course of proceedings, adopted by Mr. Busti in relation to the proposals drafted by Mr. Ellicott, which was at variance with his personal character, and could be accounted for only on the supposition that he had been induced to believe that it would be prudent for him in closing the contemplated sale and purchase, to keep the staff entirely in his own hands. Your memorialist was therefore under the necessity of abandoning the object he had been in pursuit of, after having disclosed the views and circumstances which had led him to engage in that pursuit, and after a full explanation and recognition of the plan thereby suggested; and was thus led to accept a contract for the sale and purchase, on such terms as Mr. Busti thought proper to grant. From the nature and objects of this purchase, exertions attended with considerable expense would be necessary on the part of your memorialist in the beginning of his settlement, which must also be continued in its progress and in giving effect to his plan. These expenses would be greatly increased by neglect or delay in the execution of the Holland Company's part of the contract. By the exertions which it would be necessary for your memorialists to make, and by the expenses which would attend them, your memorialist would acquire an interest in the lands; a sacrifice of which was to be guarded against only, by the good faith of the Holland Company, or by a provision for that purpose made in the contract.

The terms of the contract, considering it merely as an evidence of a bargain for a sale and purchase of lands in the common acceptance of those terms, were extremely hard; but the good faith of the Holland Company, and the confidence reposed in the personal character of Mr. Busti, which, in point of probity was firmly established, appeared to be a perfect guarantee against the sacrifice above alluded to. It was moreover believed, that the experience Mr. Busti would gain, in the official intercourse with Mr. Ellicott, would relieve him from the prepossessions he had received through the influence of that gentleman, and that then his conduct would be governed by the dictates of his own sense of justice and propriety.

By reasoning of this kind, your memorialist was led to sign a contract, which he would otherwise have rejected.

The proceedings of the agents of the Holland Company under the above contract, and in all succeeding agreements entered into between the company and your memorialist, corresponded in their character, exactly with that of the negotiations of Mr. Busti, leading to the original sale and purchase ; and the deep injuries inflicted on your memorialist during many years by those proceedings, with the catastrophe, may perhaps be regarded as a necessary result from these "negotiations," the sense Mr. Busti seems to have applied to that term being duly considered.

Your memorialist having grounds to believe, from reasons herein above referred to, that no statement he could make, would induce the board of directors of the Holland Company to enter fully into all the circumstances of a case, which has been judicially closed, has no prospect of redress from them ; consequently he has no alternative between a final submission to the deep injuries he has sustained, and the adoption of such measures for that purpose, as may still be open to him.

Trusting that, from the peculiarities of his case, it may be a proper subject for the consideration of the honorable the Legislature, he takes the liberty of laying this memorial before them, with the documents by which it is accompanied, in the hope, that through the exercise of their constitutional powers, some relief may be afforded to him.

And your memorialist will ever pray, &c.

A. HOOPS.





## DOCUMENTS.

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*Copy of a correspondence between Paul Busti, Esquire, General Agent of the Holland Land Company, and Major Adam Hoops, relative to the opening of a communication between New-England and the counties on the Ohio and Mississippi rivers, &c. through the lands of that Company and by the Allegany river, and to the sale and purchase of lands in subservience to that plan.*

PHILAD'A, 29th April, 1802.

Major ADAM HOOPS,

SIR—Notwithstanding the Dutch proprietors have not yet come to a determination how to dispose of their lands situate in the Genesee country, and are still decided not to begin another settlement, nevertheless the recommendation of General Hamilton given of your general character, have worked out an exception in your favor. For having made them acquainted with your wishing to purchase a quantity of about twenty thousand acres on the head of the Allegany, they have authorised me to attend, and to conclude upon your formal application. The one you made me long ago, being very general, as it did not even contain any of the leading proposals, does not admit but the answer, that I am willing to listen to whatever proposition you will think proper to make me, for the quantity of twenty thousand acres, or for less, on the Allegany waters. Should they prove acceptable for the Holland Company, I will be glad of having the opportunity to convince you as well of my readiness in contributing to your satisfaction, as of my particular respect.

I am sincerely,

Your most humble ser<sup>vt</sup>,

PAUL BUSTI.

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PHILAD'A, 15th May, 1802.

SIR,

The object which I now beg leave to present to your attention, is suggested by considerations arising from a geographical view of the country lying on and adjacent to that part of the Allegany river, which is within the State of New-York. To the accomplishment of it, an acquisition of a part of the Indian reservation is necessary.—At an early period, a company was formed in New-England, for the purchase and settlement of a district in the territory of the United States, northwest of the River Ohio; another was formed in New-Jersey, with similar views. The settlements were begun, but the Indian war checked their progress. Since the establishment of peace with the Indians, they have advanced with great rapidity.—

Others have since that period been made on the upper parts of the Muskingum and Hockhocking. There is on the Sciota river a village called Chilicothe, containing not less than 60 houses; this is the chief place of another very considerable settlement, and was, until the last winter, the seat of the territorial government. Cincinnati, a village in the Jersey purchase, and on the Ohio river, is now preferred. There are other villages, but as yet so inconsiderable as not to attract much attention. These settlements, except the two first, were begun since the beginning of the year 1794; then, from Wheeling to Limestone, a distance of 280 miles, the country was a savage wilderness, now, a wagon road between those two points is so well settled, that the traveller finds accommodations at convenient distances, except in one instance, where the distance between the houses is 25 miles. So numerous is the population of the territory, that it is in contemplation to erect it into a State. All the settlements I have mentioned, have a proportion of New-Englandmen, and some of them a very large proportion; but emigrants from New-England have not confined themselves to the northwestern territory; many have settled on the other side of the Ohio, others have descended the Mississippi, and are become inhabitants of the territory on that river. An intercourse is now necessarily established between New-England and the western regions of the United States. The line of communication which is the most convenient and the most economical in time and money, will of course be preferred. Hitherto the streams of emigration from New-England, and from the middle and southern States, have been united at or in the neighborhood of Pittsburgh; this vicinity being, from the general state of settlement, the most conveniently situated for furnishing the means of embarkation. Pittsburgh owes, in a great measure, its present importance to this cause.

The route now used from the New-England States to Pittsburgh, is a very circuitous one of necessity. The North river is to be crossed. From any point on the North river, whence a road could be contemplated, so as materially to shorten the distance to Pittsburgh, for much the greater part of the emigration from New-England, the face of the country will not, in most places, under present circumstances, admit of a road. From any such point towards the Delaware, or its head waters, it is said that the country soon becomes broken; thence to the Susquehannah, it is exceedingly rough, and so continues southwestwardly, becoming mountainous as you approach the Allegany mountains, which would be passed in an oblique direction to Pittsburgh. There being no object of public concern, or that might stimulate the enterprize of wealthy individuals, to induce the opening of a communication this way, it is only to be anticipated from local improvements in roads joining each other, so as to compose one. In a range of mountainous country, thinly settled, and which, as it holds out no prospect of future advantage to counterbalance its natural disadvantages, will probably remain so; such improvements are not to be expected for a great length of time. There is, then, no reason to look for an improved communication this way.

The road from the New-England States to Pittsburgh passes the Delaware as low down as Easton. Single horsemen may find a passage to Pittsburgh more northwardly, but it would scarcely be practicable for wagons.

The Allegany river, from any point of it within the State of New-York, is navigable to Pittsburgh at any time when navigation may be pursued thence down the Ohio. An inspection of the map will show, that from Albany, or from any part of the North river for a considerable distance below it, the distance to the northernmost part of the Allegany river is not quite so great as from Easton to Pittsburgh; so that an emigrant, with his family, &c. at Albany or any of the points in view below it, is as near (or nearer) to a navigable western water, as he would be at Easton. A road was a few years ago contemplated from the neighborhood of Catskill westward, to pass by Bath. What progress is made in this road, I do not know; but that from Albany to Geneva is said to be complete. From Geneva there is a road, which at Canandaigua branches, one branch going to Hartford, the other to Geneseo.

By the map of Messrs. Ellicott, it appears, that from Geneseo there is a wagon road to the north boundary line of township No. 5 in in the first range of the Holland Company's lands, thence to the northernmost part of the Allegany river. The distance on a straight line appears to be less than 40 miles; so that, except through the latter space, there is at this moment a road from Albany to the Allegany river.

The communication being completed through, a spot suitable for a place for embarkation chosen, and a town laid off, it appears to me to be a consequence, that the current of emigration from the eastern States to the territories on the Ohio and Mississippi, would be turned that way. I do not mean, that this effect would be immediately produced. Men are attached to what is established by custom, (from whatever cause,) by motives founded in reason as well as in prejudice; for any thing established, though inconvenient, will not prudently be abandoned until there is ground to believe that what may be proposed in its place will be better. Some time—some experience of the communication now in view, will be requisite to prove its advantages, and make them known. A prospect of advantage to be derived from the situation, will be the inducement for the proper persons to settle at the town. Some individuals will try the experiment of the new road; if successful, their report will encourage others, until its superiority will be established. A circumstance of weight in this subject is, that from Albany to the Allegany river, there will be snow during the winter. Settlers go into the Genesee country in sleighs, and great quantities of produce are transported thence to Albany by the same mode of conveyance. The winter is the season which the farmer can best spare; this, in emigrating from New-England to the Ohio countries by the proposed route, he could employ in making his journey to the place of embarkation by sleighing; an advantage which is not to be counted on by the route by Easton, from its more southern situation. If there be good ground to believe that the consequences I look to will follow the completion

of the road from Albany to the Allegany river, and the establishment of a place of embarkation, then the importance of this measure to the lands of the Holland Company, on and adjoining to the road, will be evident, and eventually to all the south part of the purchase.

I have now, sir, laid before you the leading ideas which a consideration of the subject has furnished me with. If they should accord with your own, it is probable you will deem it for the interest of the Holland Company to open a road from No. 5 to the Allegany river, and to obtain for me from the Indians a suitable place thereon for the proposed purpose. This tract would, of course, be but a small part of the purchase I have contemplated; the remainder I would take back from the river: Its position would be determined by a better knowledge of the country than I now possess, and by the direction of the new road. So far as I have gone, is merely from a geographical view of the country, and without particular local information, except as to the navigability of the Allegany river.

It may, perhaps, be apprehended that the proposed improvement would so enhance the value of the Indian reservation, in the minds of the Indians, as to render it difficult to purchase from them hereafter on moderate terms. If, from this consideration, or from any other, it should not be consistent with the present intentions of the company to adopt my views, I will then wish to make my purchase in such a situation as will be more independent of those views than any I should contemplate in case of their adoption. I should have had the honor to call on you much earlier, but for an indisposition which has confined me to the house and to my room for several days.

I am, &c.

P. S. In case my ideas be adopted, I will suggest that the road from No. 5 need not be direct to the place of embarkation; at least this is not essential. Its direction may be determined by the general interest of the lands in the south part of the company's purchase, to which it may be made to contribute. A branch from a convenient part of it may lead to the place of embarkation. I would also suggest, for your consideration, the sale of tracts of two or three hundred acres, at from 12 to 20 miles distant from each other on the road, to suitable persons who should have the privilege of choosing them, and who should be obliged to settle and improve them immediately if necessary. Experience has proven that when lands are offered for sale, and a choice given, the sale of the best tracts, which will be the first taken, enhances the value of the other lands, and it frequently happens that the indifferent lands sell for as much or more than the best did at first; this is to be understood of sales to actual settlers.

PAUL BUSTI, Esq.  
Philadelphia.

*Answer.**Philadelphia, May 22d, 1802.*

SIR,

I have perused your interesting memoir, with the attention it deserves, and should have been very glad to receive your proposition in consequence of it, was it not for the acquisition of a part of the Indian reservation by the company, which acquisition you lay down as the basis of your proposal. Though I am fully sensible the advantage the Holland Company would derive from having the communication from New-England to Pittsburgh established through their lands, yet to treat with the Indians for part of their lands, is a measure in which I can not enter for the present. If this communication should induce you to fix your attention on some other part of the Holland Company's lands near the Allegany river, your proposals concerning them will be cheerfully received and punctually attended to by, Sir,

Your very humble servant,

PAUL BUSTI.

PAUL BUSTI, Esq. Philadelphia.

*Philadelphia, 23d May, 1802.*

SIR,

In suggesting the establishment of a line of communication from New-England through the Holland Company's land, and the Allegany river to the western parts of the United States, I was governed by a combined view of the geographical situation of that part of the Allegany river within the Holland Company's purchase, and of the actual state of settlement on the western waters; thence drawing the conclusion that the intercourse between these countries must grow and become every year more and more important, and that it must seek a more convenient route than the one it now has. It is obvious that such an one may be had through the company's lands: to complete it there is only wanting at this time a road from the north boundary line of No. 5, in the first range, to the Allegany river. From an inspection of the map, having in view also, how the proposed communication might become of the most extensive advantage to the Holland Company's lands, the northernmost part of the river appeared to me to afford the best position for a place of embarkation. Suppose a line drawn from the point of departure in the north boundary line of No. 5, first range, towards the southwest corner of the purchase. From a convenient point in this, suppose another line to the northernmost part of the river. The distance from No. 5 to the northernmost part of the river by this way, would not be more than 4 or 5 miles greater than by a direct line from No. 5. A road opened according to the first line, and extended as far as is necessary for the present purpose, would be so much of a road hereafter to be extended in such further direction as should be considered promotive of the Company's interests.

These are the reasonings which induce me to prefer the northernmost part of the Allegany river, not taking into view any obstacle that may exist to the acquisition of the land. As to the communication considered singly, perhaps it may be as well made to some point above the Indian reservation as not ; but it is probable that in the direction it would then take, there would be a more hilly country to pass over ; but I do not speak with certainty.

Relinquishing then the idea of an acquisition of any part of the Indian reservation, I will propose to make a purchase higher up the river ; pursuing the original object, a communication to it, and lands situated so as to be benefited by the communication. In proportion as the country is hilly, will probably be the number of tracts necessary to make a quantity of suitable land ; or I will turn my attention another way. In either case, it would be necessary for me to go into the country, and acquire a personal knowledge of it.

If my proposition be approved, the terms of sale being adjusted and agreed on, I would set out for the Genesee country, make my locations, and prosecute my object.

I will do myself the pleasure to wait on you to-morrow ; and in the mean time remain,

Sir, yours, &c.

A. HOOPS.

**IN SENATE,**

**April 21, 1832.**

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**REPORT**

**Of the committee on finance, on a bill from the Assembly, to release Samuel Barnum and Hezekiah Howell from a judgment against them in favor of the people of the State.**

Mr. Bronson, from the committee on finance, to which was referred a bill from the Assembly, to release Samuel Barnum and Hezekiah Howell from a judgment against them in favor of the people of the State,

**REPORTED:**

That it appears by the petition and other evidence submitted to the committee, that in 1828, a loan was made to the "Neversink Navigation Company," of ten thousand dollars, to improve the navigation of the Neversink river, payable in ten years, and a mortgage taken on the property of said company, viz: the Neversink river. The petitioners state that their bond made them responsible for the faithful application of these *ten thousand dollars*, which not being applied to this purpose, but to the more useful purpose, as the committee believe, of paying the debts of the president of the company, the bonds were prosecuted to judgment, and the petitioners ask as matter of course, to be discharged; they allege what the committee believe to be true, that Howell is not and was not worth a dollar at the time he became the guarantee to the State for \$10,000. That Barnum was worth from 5 to \$800 at that time, and is worth no more at this; their responsibility was properly certified at the time by a gentleman holding a dignified civil station. It now appears that the State has no other security for its loan than the Neversink river, and that not navigable. Although it is believed that a small expen-



diture was made upon this river, yet the only two rafting voyages ever attempted upon its waters have, as the committee are informed, proved disastrous. There is therefore little hope of any other return from this expenditure than this small amount of 6 or 800 dollars, and that must be extorted from a respectable old man, whose simplicity has made him the dupe of artifice or folly, a striking illustration of the "maxim that State management and mismanagement are synonymous terms" when applied to business transactions like the present. Few appeals to the liberality or charity of the State can address themselves with greater force to our sympathies than the one under consideration.

The only question with the committee is, whether our constituents intended to delegate to us the power of acting as their almoners, to grant money from the treasury to relieve individual distress. They have not been able to distinguish the present case from the thousand in which worthy and respectable men are stripped of their all by knavery and folly, and whose declining years would be cheered and comforted by an appropriation from the public treasury; unless indeed the common if not invariable practice of the State to release all securities does not constitute an equitable claim to relief, having entered into and influenced the contract, the obligation having been undertaken with the implied condition that if the principal fails, the security is to be released through the forms of legislation.

It is believed as a general rule, and one to which few exceptions are found, that our constituents when they lend money and the principal fails, require payment from the guarantee although it may take his all, and the rule by which each individual governs his own conduct would seem to indicate the rule by which their delegates should be governed when acting in behalf of the whole.

The committee believe the same rigid rules should govern contracts between State and citizens as between citizen and citizen.

The committee do not however intend to urge the adoption of this rigid rule in the case under consideration, but will remark, if it is to be relaxed in any case, the present one would seem to them to justify such relaxation so far as relates to Samuel Barnum, as he only of the two petitioners is able to respond at all.

IN SENATE,

April 24, 1832.

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COMMUNICATION

From the Chancellor, relative to the New-York Life Insurance and Trust Company.

The Hon. E. P. LIVINGSTON,  
*President of the Senate.*

The act of the 9th of March, 1830, incorporating the New-York Life Insurance and Trust Company, having placed that institution under the supervision of the Chancellor, I have deemed proper to communicate to the Legislature a copy of the order prescribing the manner in which the annual statements of the affairs of the company shall be exhibited, together with the return of the trustees, and the master's report thereon. The order, trustees return, and report of the master have been printed in a pamphlet form at the expense of the company, and a copy will be furnished to each member of the Legislature during the present session.

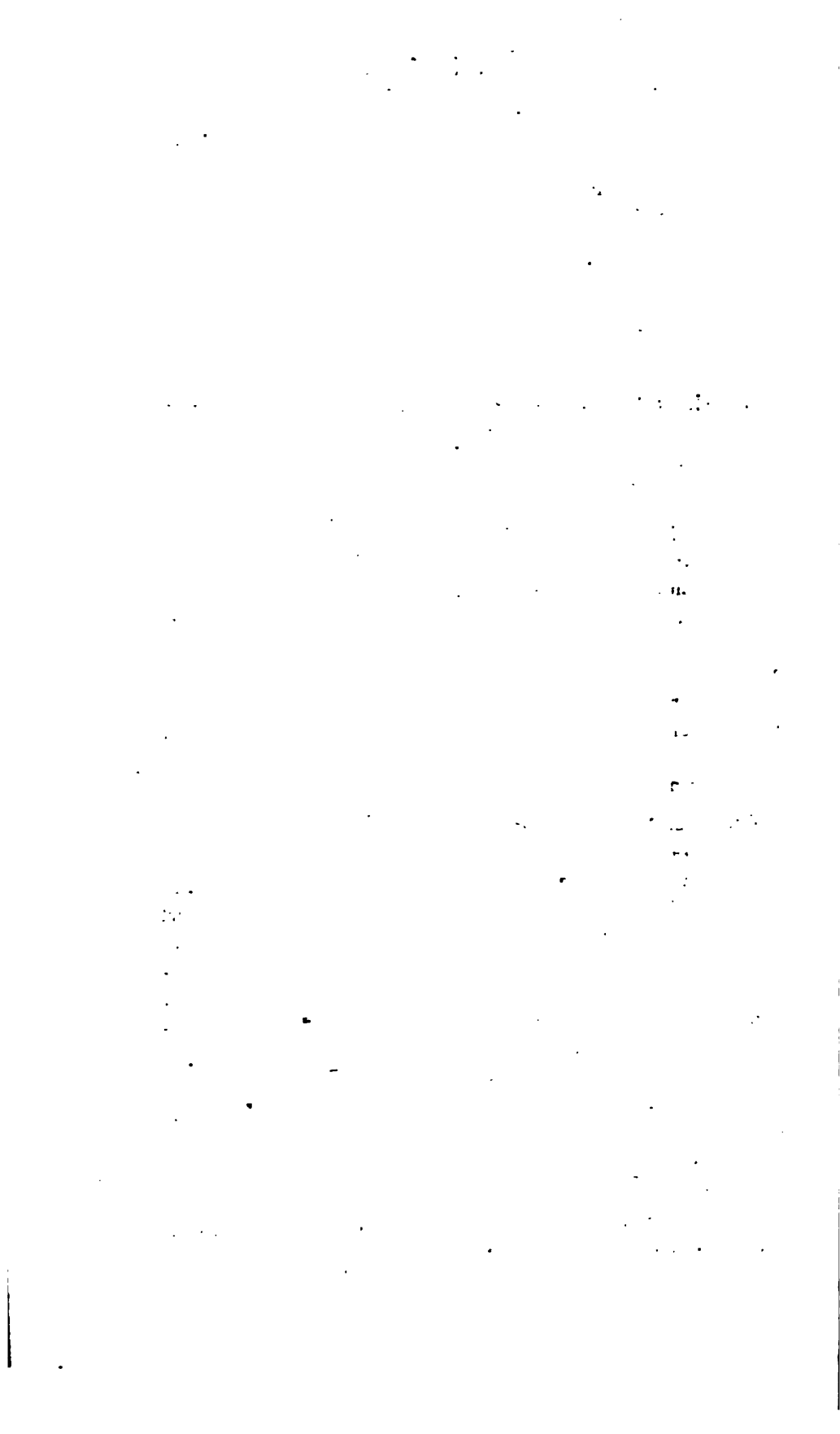
Without expressing any opinion as to the expediency of increasing incorporations of this kind, to which a great portion of the landed property of the State might in time become pledged, I may be permitted to say, a single institution of this description furnishes to the Court of Chancery and to the Surrogate of New-York, an essential aid in the protection of the property of infants, much of which has heretofore been lost by the insolvency of guardians and their sureties. Notwithstanding this benefit to the public, as the powers of the company are very unusual and extensive, and the principles of its operations are but little understood, I have considered it my duty to institute a rigid scrutiny into its affairs, and as to its mode of doing business, the result of which examination will be found in the report of the master.

I am, with respect,  
Yours, &c.

R. HYDE WALWORTH.

Albany, April 23, 1832.

[S. No. 112.]



## ORDER, &c.

*At a Court of Chancery, held for the State of New-York, at the city of Albany, on the nineteenth day of November, in the year one thousand eight hundred and thirty-one.*

PRESENT—REUBEN H. WALWORTH, Chancellor.

*In the matter of the New-York Life Insurance and Trust Company.*

PURSUANT to the provisions of the act, entitled, "An act to incorporate the New-York Life Insurance and Trust Company," passed ninth day of March, one thousand eight hundred and thirty, it is ordered, that the Board of Trustees of said company exhibit to the Chancellor, and file in the office of the Register of the Court of Chancery, in the month of January next, and in the month of January in each year thereafter, a statement of the affairs of the said company for the political year next and immediately preceding the exhibition of such statement; which statement shall exhibit and set forth the amount, and the particular nature and description, of all the funds, property, securities, and effects of the said company, or which are under their care, control, or management, in trust, or for the benefit of others, as the same existed at the end of the said political year, and on the first day of January thereafter, as follows:

1st. The amount of the capital stock of the company loaned out on bonds and mortgages, exclusive of interest; specifying the amount loaned in each county of the State; the amount, if any, on which any part of the interest remains due, and has remained due for more than six months; and the amount, if any, of the bonds and mortgages, exclusive of interest, given for the said capital stock, which are in suit, or judgment, or on which prosecutions have been directed, to compel the payment of the principal or interest due thereon.

2d. The amount, exclusive of interest, of other loans on bonds and mortgages, other than loans to monied corporations, or to their officers or agents for their use and benefit, specifying the amount loaned in each county, the amount on which interest has been due more than six months, and the amount in suit, or ordered for prosecution, as aforesaid.

3d. The amount, exclusive of interest, of loans of stock securities, other than loans to, or for the use of, moneyed corporations, as aforesaid; specifying the amount loaned on each kind of stock; the number of shares, and the nominal, and the market value thereof; the amount payable on demand at the time of the loan; the amount loaned for limited periods less than six months; the amount loaned for six months or more; the amount, if any, on which interest has been due more than six months; and the amount in suit, or ordered

for prosecution as aforesaid; also specifying the amount of loans, if any, where the principal and interest due thereon exceeds the market value, at the time of such statement, of the stocks pledged for the security thereof, and the amount of such excess.

4th. The amount of loans on bonds, bills, or notes, with personal securities only, other than loans to or for the use of moneyed corporations, as aforesaid; specifying the amount payable on demand; the amount loaned for limited periods, less than six months; the amount for six months or more; the amount, if any, on which interest has been due more than six months; and the amount in suit, or ordered for prosecution, as aforesaid.

5th. The amount due from individuals on account, other than loans to or for the use of moneyed corporations, as aforesaid; specifying the names of the several persons from whom the same is due; the amount due from each; the nature of their indebtedness; the time when the several debts were contracted, and when they became payable; whether collectable or not; and whether in suit or prosecuted.

6th. The amount of interest due to the company on any of the above mentioned loans, computed up to the first of December, or the first of January, as shall be most convenient for the company; distinguishing the amount due on loans upon which any part of such interest has been due more than six months, from the amount due on loans on which no part of the interest has been due for more than that period.

7th. The amount of all loans to moneyed corporations, or to their officers or agents, for their use or benefit: specifying particularly the amount loaned to each corporation, or its officers or agents; the time when and for which the loan was made; the rate of interest payable thereon; the nature and value of the security taken or held by the company for each loan; and the amount of interest which is due and has become payable to the company thereon, computed as aforesaid.

8th. The amount of stocks owned by the company: specifying each kind and description; the number and nominal value of the shares of each; and the market value thereof, at the prices at which such stocks were purchased or received in payment.

9th. The amount of real estate owned by the company with a general description thereof, specifying the price at which each separate parcel thereof was purchased or received; the amount which has been expended for buildings and improvements thereon, other than for ordinary repairs charged in the expense account, or paid out of the rents; the present value of such real estate, and the particular portions of the same which are occupied by the company as necessary for the transaction of its business.

10th. The amount of money on hand: specifying the bank in which it is deposited; or, if the same remains in the hands of any officers or agents of the corporation; specifying the names of such officers or agents, and the amount in the hands of each.

11th. The amount and real value of all other property or effects of the company: specifying the nature and value of such property and effects particularly.

12th. The amount of all securities taken for moneys received by the company in trust, to be invested at the risk and for the benefit of the persons from whom such moneys were received, or of other persons designated by the trust.

And which statement shall also exhibit and set forth the number of stockholders; the amount of the capital stock of the company; and the amount and particular nature and description of all debts, demands, and claims against the company; and of all responsibilities incurred by the company, as follows:

1st. The amount of the capital stock of the company, and the number of stockholders owning the same; designating the number of stockholders residing out of the State, and the amount of stock held by them collectively; the number of stockholders residing in the State, other than the trustees of the company, and the amount of stock so held by them; and the number of trustees of the company residing in the State, and the amount of stock held by each; but without disclosing the names of such trustees in connexion with the amount of stock held by them respectively.

2d. The amount of moneys deposited on trust, by order of the court of chancery, or of any of the surrogates, to be invested or kept at the risk of the company, including moneys deposited on trust of accumulation, and the accumulations thereon which have become a part of the principal.

3d. The amount of deposits by other persons and companies other than monied corporations, on trust, to be invested or kept as aforesaid, or on trust of accumulation; and including the accumulations thereon which have become a part of the principal.

4th. The amount of deposits by banks, and other monied corporations, on trust, to be invested or kept as aforesaid, or on trust of accumulation, including the accumulations thereon which have become a part of the principal; specifying the amount deposited by each company.

5th. The amount of interest which has become due and payable on each of the deposits in trust as aforesaid, other than accumulations estimated as part of the principal; computed up to the first of December, or the first of January, as shall be most convenient for the company.

6th. The amount received by the company, or for which it is liable, as guardian of the estates of infants, including accumulations thereon, and interest, computed as before directed, and deducting expenses and commissions.

7th. The amount received by the company, or for which it is liable, as receiver, including accumulations and interest as aforesaid, and deducting expenses and commissions.

8th. The amount due for life insurances, which have not been paid, after the event has happened.

9th. The amount received for premiums on life insurances where the persons whose lives are insured are still living; specifying also, the number of such lives remaining insured; the average length of time such lives will continue, according to the tables used by the company; the amount of premiums payable annually to the company

on such insurances; and the amount which will become due from the company upon the deaths of such persons.

10th. The amount due for arrears of annuities, which have become due and payable.

11th. The amount received upon the sale of annuities, where the annuities still continue: specifying also, the number of such annuities; the average time of the continuance thereof, according to the annuity tables, and the total amount payable therefor, annually.

12th. The amount of all dividends, unpaid to the stockholders entitled to the same.

13th. The amount received on trust to be invested at the risk and for the benefit of the persons from whom the moneys were received, or other persons designated in the trust; including the interest or income received thereon by the company, and remaining in its hands; deducting the expenses and commissions on such investments and trusts, as agreed on by the parties, or as fixed by the by-laws or regulations of the company, at the time of the creation of the trust, where no special agreement as to such expenses and commissions was made by the parties.

14th. The amount of all other debts or demands against the company; specifying particularly the nature of such debts, respectively, designating between such as are absolutely due and such as may become payable on some contingent event; and such as are claimed, but not admitted by the trustees to be due.

15th. The amount of all bad debts included in the account of debts due to the company, for loans or otherwise, with the interest thereon; including all debts known to be bad or believed to be uncollectable; also, all debts not in suit, on which no interest has been paid for more than one year after it became due; and debts on which judgments have been obtained and have remained unsatisfied for more than two years.

And which statement shall also exhibit and set forth the amounts of dividends declared during the preceding year: the names and residences of all the trustees and other officers of the company; the salaries or annual compensations paid to each of the officers of the company who receive a salary or annual compensation; and all the by-laws and regulations adopted by the trustees and remaining in force. It shall also contain such other facts and details as the trustees may think proper to insert therein; and which they may deem necessary to enable the Chancellor to form a correct opinion of the manner in which the affairs of the said company have been conducted and managed for the preceding year. And that the same be verified by the oaths of the President and Secretary of the company.

(Copy.)

JAMES PORTER, Register.

## ANSWER

*Of the New-York Life Insurance and Trust Company to the Chancellor's Order of 19th November, 1881.*

The Trustees of the New-York Life Insurance and Trust Company, in compliance with the Chancellor's order of the 19th of November, 1881, respectfully answer the inquiries as arranged in the order; each answer referring to the 1st day of Jan., 1882.

Inquiry 1st. The amount of capital loaned out on bond and mortgage, exclusive of interest, was, on the 1st day of January, 1882, \$1,000,000.

In every instance, it is believed that the value of the property mortgaged is at least double the amount of the loan, and of this fact satisfactory evidence has been required in all cases where the property did not come under the immediate cognizance and observation of the trustees.

The trustees are uncertain as to the manner in which a part of the first inquiry should be answered,—whether the loan should be considered as made in the county where the borrower resides, or in the county where the property is located which is given as security. When they could ascertain it, they have, for the convenience of giving notice that the interest will be due, noted on the books of the company the residence of the borrower, and not noted the county in which the property is, excepting where they agree. In answering therefore this inquiry, they only state what they believe to approach the truth; not having undertaken, till they ascertain the Chancellor's wishes, the labor of re-examining the papers in each case, to ascertain the locality of the property mortgaged, which they will direct done, if farther information be required by the Chancellor.

With the above explanation, the amount loaned in each county of the State is as follows:

|                  |              |                  |           |
|------------------|--------------|------------------|-----------|
| New-York,.....   | \$197,897 72 | Columbia.....    | \$40,200  |
| Albany,.....     | 96,600       | Ontario,.....    | 68,272    |
| Westchester,.... | 5,000        | Lewis,.....      | 1,350     |
| Putnam,.....     | 2,000        | Clinton,.....    | 3,500     |
| Oneida,.....     | 35,420       | Orange,.....     | 1,000     |
| Tompkins,.....   | 30,150       | Ulster,.....     | 21,857    |
| Erie,.....       | 92,108       | Rensselaer,..... | 11,214 28 |
| Delaware,.....   | 4,100        | Livingston,..... | 21,250    |
| Monroe,.....     | 87,250       | Steuben,.....    | 5,800     |
| Oswego,.....     | 9,600        | Franklin,.....   | 6,800     |
| St. Lawrence,... | 2,300        | Washington,....  | 2,768     |
| Saratoga,.....   | 19,000       | Wayne,.....      | 64,300    |
| Allegany,.....   | 850          | Cayuga,.....     | 9,463     |
| Greene,.....     | 4,000        | Broome,.....     | 1,000     |



|                   |          |                  |         |
|-------------------|----------|------------------|---------|
| Orleans, .....    | \$15,150 | Dutchess, .....  | \$7,500 |
| Niagara, .....    | 3,300    | Seneca, .....    | 14,910  |
| Chautauque, ..... | 2,500    | Sullivan, .....  | 1,500   |
| Jefferson, .....  | 3,600    | Yates, .....     | 27,665  |
| Chenango, .....   | 1,950    | Tioga, .....     | 9,250   |
| Schoharie, .....  | 700      | Montgomery, .... | 9,366   |
| Queens, .....     | 5,000    | Otsego, .....    | 5,400   |
| Onondaga, .....   | 11,474   | Herkimer, .....  | 7,700   |
| Greene, .....     | 27,585   |                  |         |

The interest remaining due the first day of January, 1832, on the whole amount of bonds and mortgages, whether capital or otherwise, due the company, was \$6,735.16; since reduced to \$1,966 62.

None of the above interest not paid, has been due for six months. The payments of interest to the company are semi-annual on the first days of June and December, and have been made with the punctuality expected, from the practice adopted by the company, of extending to borrowers every reasonable indulgence, not calling unnecessarily for the payment of principal, arranging with a city bank and country banks, so as to give borrowers the privilege of paying their interest in the bank nearest to them; and authorizing them to pay in any portion of their loan over one hundred dollars whenever it may be convenient so to do, after one year: requiring from them in return for these privileges, the punctual payment of the interest when it becomes due, and letting it be understood at the time the loan is made, that on this condition alone will the loan be continued.

The consequence has been, a very punctual payment of interest; accidental forgetfulness, delay of information from the banks of deposits having been made, and failure in receiving notice of the day on which interest will be due, being sufficient to account for the omissions that have happened.

There are no bonds and mortgages given for the capital stock in suit, nor has any judgment been obtained, nor has any prosecution, but in one instance in the city of New-York, to compel the payment of interest, been directed. In that instance, the interest and costs being paid, the suit was withdrawn.

2d. The amount of loans on bonds and mortgages not included in loans of capital, and other than loans to monied corporations, or to their officers and agents, for their use and benefit, was, on the first day of January, 1832, \$408,481.87.

The amount loaned of this character in each county of the State is believed to have been nearly as follows, on the first day of January, 1832:

|                 |              |                   |         |
|-----------------|--------------|-------------------|---------|
| New-York, ..... | \$225,480 15 | Allegany, .....   | \$1,500 |
| Albany, .....   | 7,200        | Richmond, .....   | 1,500   |
| Kings, .....    | 3,500        | Livingston, ..... | 17,850  |
| Columbia, ..... | 8,512        | Putnam, .....     | 1,450   |
| Ontario, .....  | 7,300        | Dutchess, .....   | 7,000   |

|                   |          |                   |          |
|-------------------|----------|-------------------|----------|
| Westchester, .... | \$3,500  | Cayuga, .....     | \$19,550 |
| Oneida, .....     | 4,280    | Herkimer, .....   | 1,000    |
| Tompkins, .....   | 400      | Otsego, .....     | 3,500    |
| Erie, .....       | 8,500    | Seneca, .....     | 11,850   |
| Monroe, .....     | 13,628   | Tioga, .....      | 4,000    |
| Oswego, .....     | 1,750    | Yates, .....      | 3,150    |
| Saratoga, .....   | 7,500    | Sullivan, .....   | 2,000    |
| Niagara, .....    | 4,000    | Montgomery, ....  | 3,100    |
| Chautauque, ..... | 6,000    | Wayne, .....      | 7,200    |
| Jefferson, .....  | 1,681 72 | Washington, ..... | 500      |
| Onondaga, .....   | 4,000    | New-Orleans, .... | 4,550    |
| Genesee, .....    | 5,650    | Niagara, .....    | 2,900    |
| Schenectady, .... | 3,000    |                   |          |

In making the above loans, reasonable evidence has been required that the value of the mortgaged premises is double the amount of the loan, except in some instances where loans have been made on real property in the city and county of New-York ; and where, on account of its ready sale, and the greater facility of determining the actual value of property, so great an amount has not always been required.

On the above amount no interest has been due more than six months. The same observations apply to the last mentioned loans, which have been made on the loans of capital. There is no portion of them in suit, nor ordered for prosecution, and there has been the same punctuality in the payment of interest.

3d. The amount, exclusive of interest, of loans on stock securities, on the first day of January, other than loans to or for the use of monied corporations, was \$287,745.08.

The following table shows the amount loaned on each kind of stock, the number of shares, and the nominal and market value thereof, and the amount payable on demand at the time of the loan, the amount loaned for limited periods less than six months, and the amount loaned for six months or more.

# LOANS ON STOCK SECURITIES ON THE 1st JANUARY, 1892.

|                                    | Amount loaned. | No. shares. | Nominal value. | Market value.         | Loaned on demand. | Loaned for 6 months &c., over. |
|------------------------------------|----------------|-------------|----------------|-----------------------|-------------------|--------------------------------|
| American Insurance Company,....    | 6,225 00       | 83          | \$50           | 54 per cent advance   |                   |                                |
| Utica Bank,.....                   | 8,662 08       | 176         | 60             | 30 per cent advance   |                   |                                |
| Ocean Insurance Company,.....      | 2,316 00       | 56          | 35             | 40 per cent advance   |                   |                                |
| Phoenix Insurance Company,.....    | 2,450 00       | 64          | 50             | 16 per cent discount  |                   |                                |
| Gas Light, .....                   | 20,505 00      | 335         | 50             | 41 per cent advance   |                   |                                |
| City Bank,.....                    | 1,600 00       | 36          | 45             | 9 per cent advance    |                   |                                |
| Atlantic Insurance Company,.....   | 5,475 00       | 105         | 50             | 25 per cent advance   |                   |                                |
| Jefferson Insurance Company,.....  | 1,650 00       | 65          | 30             | 6 per cent advance    |                   |                                |
| Neptune Insurance Company,.....    | 6,800 00       | 124         | 50             | 18½ per cent advance  |                   |                                |
| Howard Insurance Company,.....     | 8,250 00       | 150         | 50             | 21 per cent advance   |                   |                                |
| National Bank,.....                | 9,542 00       | 200         | 50             | 4½ per cent advance   | \$231,890 30      | \$55,854 78                    |
| Bank of America, .....             | 1,550 00       | 18          | 100            | 2½ per cent discount  |                   |                                |
| Rochester Bank,.....               | 20,000 00      | 400         | 50             | 25 per cent advance   |                   |                                |
| Etina Insurance Company, .....     | 6,050 00       | 135         | 50             | 2½ per cent advance   |                   |                                |
| State Marine, .....                | 9,075 00       | 270         | 50             | 15½ per cent discount |                   |                                |
| Jackson Insurance Company,.....    | 22,520 00      | 568         | 50             | 4 per cent discount   |                   |                                |
| Merchants' Exchange Bank,.....     | 19,800 00      | 445         | 50             | 5 per cent discount   |                   |                                |
| Equitable Insurance Company, ..... | 2,000 00       | 50          | 50             | 6½ per cent discount  |                   |                                |
| Merchants' & Farmers' Bank,.....   | 26,350 00      | 1,550       | 17             | 30 per cent advance   | believed to be    |                                |
| Farmers' Loan, .....               | 2,750 00       | 64          | 50             | 4 per cent discount   |                   |                                |
| Traders' Insurance Company,.....   | 775 00         | 31          | 50             | 6 per cent advance    |                   |                                |
| Dry Dock Bank, .....               | 2,200 00       | 85          | 30             | 100 par               |                   |                                |

## LOANS ON STOCK SECURITIES ON THE 1st JANUARY, 1892, (Continued.)

|                                     | Amount loaned. | No. shares. | Nominal value. | Market value.        | Loaned on demand. | Loaned for 6 months, &c., over. |
|-------------------------------------|----------------|-------------|----------------|----------------------|-------------------|---------------------------------|
| N. Y. Life Insurance & Trust Co.... | 6,000 00       | 60          | 100            | 19 per cent advance  |                   |                                 |
| Phoenix Bank,.....                  | 23,200 00      | 986         | 25             | 27 per cent advance  |                   |                                 |
| Butcher's Bank,.....                | 3,450 00       | 150         | 55             | 3 per cent advance   |                   |                                 |
| United States Bank,.....            | 16,500 00      | 141         | 100            | 24½ per cent advance |                   |                                 |
| Greenwich Bank,.....                | 20,000 00      | 800         | 25             | 9 per cent advance   |                   |                                 |
| Mohawk & Hudson Rail-Road,....      | 29,350 00      | 305         | 100            | 35 per cent advance  |                   |                                 |
|                                     | 1,500 00       | 20          | 80             | 35 per cent advance  |                   |                                 |
|                                     | 1,100 00       | 11          | 80             | 35 per cent advance  |                   |                                 |

Of the above loans on stock, there are none on which the interest has been due for more than six months; nor the interest on which has not been paid when due and called for. There are none, of course, in suit, nor ordered for prosecution; nor are there any where the principal and interest due thereon exceeded, on the 1st day of January, 1832, the market value of the stocks pledged for the security thereof. The general rule being to loan on stock at 10 or 15 per cent, at least, below the market value, so to be kept by agreement.

4th. The amount of loans on bonds, bills, or notes, with personal securities only, other than loans to or for the use of monied corporations, was, on the 1st day of January, 1832, \$248,146.42.

The amount of the last mentioned loans payable on demand, the amount loaned for a less period than six months, and the amount loaned for six months and over, is as follows: Payable on demand, \$19,400; loaned for a less period than six months, \$75,471.08; loaned for six months and over, \$153,275.34. There are none of the said loans on which interest has been due six months, nor any in suit, nor ordered for prosecution, nor are there any under protest.

5th. To the interrogatory, what is the amount due from persons on account, other than loans to or for the use of monied institutions, the trustees beg leave to answer, none. No money has ever been allowed to be in the hands of the president or secretary, but as officers of the board, nor of any trustee or agent of the company, nor has any money been loaned, but on bonds, mortgages, bills, stocks, or other securities, nor without such securities being approved and in the office, or believed to be in the hands of a person authorized to receive them. The trustees beg leave to explain the usual manner in which a loan on bond and mortgage is completed in the country. They have selected several gentlemen in different parts of the State, in whose judgment and integrity they have confidence, and have let it be understood by the public, that the opinion of those gentlemen, as to the safety and propriety of a loan, will be considered as the best evidence that can be offered on these points. If an application is made through either of those gentlemen, he forwards to the president his opinion of the value of the property offered as security, of the safety and propriety of the loan, and his opinion on any other point which he thinks it important the trustees should be made acquainted with, so far acting for the benefit and as agent of the company. If the loan is granted, the applicant procures and presents to the counsel of the board satisfactory evidence of title. This, if the applicant desires it, may be done through the gentlemen who have been mentioned; but before the money is advanced, it is expected that the counsel of the board will file in the office his certificate that the title and papers in each case are complete; this being a precaution found essentially necessary to the security of the company's transactions. The party is then informed he may draw for the amount of the loan, and the transaction is complete. It may be proper to state, borrowers not unfrequently find it convenient to draw for the amount of the loan in favor of the agent they employ: it is then passed on the books of the company to the

credit of such agent, and is payable to his draft. It necessarily happens, that the bond and mortgage is frequently drawn days, and in some instances weeks, before the money is paid, owing to the want of some evidence of title, or of some formality, not yet complete. In those cases, the interest is invariably charged from the day the money is actually paid, without any regard to the date of the bond and mortgage.

6th. The whole amount of interest due to the company on all its loans, whether on bonds and mortgages, or on the personal securities which have been mentioned, was, on the 1st day of January, 1832, \$6,735.16; since reduced to \$1,966.62. Of this amount, none remains unpaid which has been due six months.

7th. No loan has been made to any monied corporation, or to their officers or agents, for the use of such corporation.

8th. The company own, in their own right, no stocks, excepting a stock of the city of Albany, to the amount of \$60,000, for which they have the certificates in the office, bearing an interest of five per cent, one per cent advance having been paid for the same. Its market value is not known, none being in the market.

9th. The only real property the company own is the building in which they transact their business, and the lot on which it stands. This building they leased for two years when they commenced operations; but the owners offering it for sale, it became a matter of consideration with the trustees, whether they should run the risk of being turned from a situation convenient to them, and where they were known, or become its purchasers. They determined on the latter, and purchased it for \$37,000. The lot is 27 feet on the street, and 110 feet deep, situated in Wall-street, in the first ward of the city of New-York, directly opposite the Exchange, the place of business for merchants and men of business of the city.

The company, while they held this property on lease, paid to the City bank, of whom they held it, \$1,000 per annum. They propose to make, and are now making, some alterations in the interior, with the intention of leasing out a considerable portion of it; and they believe they will be able to lease such portions of it as they can spare, at a rate which will reduce their own rent below what they paid to the City bank.

10th. The whole amount of money on hand, on the 1st day of January, 1832, was \$899.69, being the balance lying in the Manhattan bank, at the disposal of the trustees, on that day. It has already been stated, that excepting with the president or secretary, as officers of the board, no money is allowed to remain in the hands of any officer, trustee, or agent of the company, at any time. The Manhattan bank, of the city of New-York, is the bank in which all the deposits of the company are made, and with which all the company's banking business is done. All money drawn from the bank is drawn by checks, signed by the president, and countersigned by the secretary.

11th. Excepting their books, which cost them about \$600, and the furniture of their office, which did not cost them over \$200, the company have no property of any description whatever, excepting what has already been stated in answer to the preceding interroga-

tories, or which will be specified in answer to some one of those which follow.

12th. The company have received no money in trust to be invested at the risk, and for the benefit of the persons from whom such monies were received, or of other persons designated by the trust. All moneys which have hitherto been received in trust are at the risk of the company, and under their management, unless it may be the following: The company, as guardians of two infants in England, have received an assignment of certain United States five per cent stock, payable in 1835, amounting to \$7,451.30, which stock remains with the company unchanged, and while it does so, may be considered at the risk of the *cestui que trust*. They have also in trust 160 shares of the Chemical bank, with directions from the grantor to sell the same, when they can be sold at a certain price, and to consider the amount of sale as a deposit with the company; as that stock has never risen since they held it, to the prescribed limit, it still remains with the company, at the risk of the grantor.

1st. The amount of the capital stock of the company is \$1,000,000.

The number of stockholders owning the same on the 1st day of January, 1832, was 145, of whom the number residing out of the State is believed to have been 18, and the amount of stock held by these, collectively, 1353 shares. The number residing in the State other than the trustees, was 99, and the amount of stock held by them 5826. The number of trustees acting on the 1st day of January, 1832, two vacancies being to be filled, was 28—

|                      |                 |
|----------------------|-----------------|
| Of whom 11 have..... | 50 shares each. |
| 1 " .....            | 75 " "          |
| 13 " .....           | 100 " "         |
| 1 " .....            | 290 " "         |
| 1 " .....            | 296 " "         |
| 1 " .....            | 310 " "         |

2d. The amount of moneys deposited on trust, by order of the court of chancery and of surrogates, to be invested and kept at the risk of the company, was \$82,005.65.

Of the above sum, the amount deposited in trust for accumulation, was \$18,802.42. The accumulation which had actually accrued on this sum the 1st day of January, 1832, was \$65.22.

3d. The whole amount of deposits in trust on the 1st day of January, 1832, including that deposited by the Chancellor, Surrogates, and monied corporations, was \$963,865.13. For sixty days, \$25,280.97. For five months, \$409,960.87. For a year and over, \$528,623.29; and of which \$16,854.20, besides the 18,802.42 mentioned above, was in trust for accumulation; and the accumulation which had actually accrued on this latter sum of \$16,854.20 was \$106.35.

4th. The amount of deposits by banks and other monied corporations on trust was, on the 1st day of January, 1832, \$76,350. None of this was in trust for accumulation.

5th. The amount of interest which had accrued, become due and payable on the deposits in trust, other than trusts of accumula-

tion, computed up to the 1st day of January, 1832, amounted to \$18,926.02.

In this inquiry the Chancellor gives the trustees permission to select the 1st day of December, or the 1st day of January in each year, as the day to which their answers to his interrogatories shall refer. They have selected the 1st day of January.

The board of trustees every six months, preparatory to declaring a dividend, appoint a committee of three of their own body to investigate the affairs of the company, examine their books, see their vouchers, and ascertain their existence, and report to the trustees at their regular monthly meeting, the first Tuesday in July and January. The preparation necessary for this investigation, and the statements requisite for the satisfaction of the committee, relating to the same subjects, if they are made to relate to the period referred to in the Chancellor's interrogatories, will facilitate very much the labor of officers of the company, in preparing the materials for correct answers by the trustees to the Chancellor's order: and for this reason they have selected the first day of January as the day to which their answer shall refer.

6th. Nothing has been received by the company, and for which it is liable as the guardian of the estates of infants on the 1st day of January, 1832, exclusive of sums to be accumulated.

The amount received by the company, and for which it was liable as guardian of the estates of infants, on the 1st day of January, 1832, after the payment of the amount ordered by the Chancellor, was \$10,848.56.

The accumulation of interest on the above amount, on the 1st day of January, 1832, amounted to \$253.90.

When the money received as guardian is deposited with its other funds at an interest of five per cent, the company being responsible for the deposit, no charge of commission or expenses is made against the fund; when there is a specified deposit of stock, the charge would be, as answered to a late inquiry, on what terms the company would receive the assignment of certain stock to receive the dividends and pay them over to parties designated;  $\frac{1}{2}$  per cent for receiving, and  $\frac{1}{2}$  per cent for paying.

7th. The company has never received any funds as receiver, never having been appointed to the performance of that duty.

8th. There has been no ascertained death among the individuals insured by the company, since the commencement of its operations.

9th. The whole amount received for premiums on life insurance, since the commencement of the company's insuring lives, was, on the 1st day of January, 1832, \$9,375.64.

The whole number of insurances has been fifty-three. The number of lives remaining insured by the company was, on the 1st day of January, 1832, thirty-five.

The youngest of the lives insured in the office is aged 24, and according to the tables hitherto used by the company, has a right to expect to live 31 $\frac{1}{10}$  years. The oldest life is 52, and has a right to expect to live 17 $\frac{8}{10}$  years. The amount of premiums varies annually with the advancing ages, and cannot be answered but by refe-



rence to the tables. The amount received the last year for insurance of lives, ending the first day of January, 1832, was \$3,305 90.

Were all the parties insured to die immediately, the amount for which the company would be responsible would be \$99,200.

10. There was due on the 1st day of January, 1832, and since paid on annuities from the company, \$75.

11th. The amount received for the sale of annuities, on the first day of January, 1832, was \$6,145.55. The number of annuitants was two. The time each had a right to live, according to the tables used by the company, up to the 1st day of January, 1832, was, for the 1st, 8 $\frac{1}{10}$ , for the 2d, 15 $\frac{5}{10}$ . The amount of the two annuities, paid by the company annually, is \$590.

12th. The amount of all dividends unpaid to the stockholders entitled to the same, on the 1st day of January, 1832, was \$645.

13. To the thirteenth interrogatory, the trustees beg leave to answer, that of this class of deposits the company have none, unless it shall be determined by the parties interested that this shall be the mode in which the funds to be derived from the estate devised in trust, mentioned in answer to interrogatory 14, shall be received by the company. The trustees have not been unmindful, that the interest and convenience of depositors in trust by will, may frequently induce them to this species of deposit, and have, therefore, passed the following resolution for their government in all cases :

*Resolved*, Where the company shall be appointed trustees, either by deed or last will and testament, and no provision shall be made for their compensation by the instrument creating the trust, the same commissions shall be charged as are allowed by law to executors and guardians. And where a discretion shall be given to the company when so appointed trustees, to receive themselves the trust moneys as a deposit, allowing interest thereon at a rate not exceeding five per cent; the company, if they shall exercise the discretion so given, will not charge any commission on the payment either of the principal or interest of the moneys so received on deposit.

14th. On the 1st of January, 1832, there were no debts or demands known of against the company, outstanding and unpaid, other than have been mentioned in answer to the foregoing interrogatories, either absolutely due or payable on any contingent event; nor is it known that any are claimed, not admitted by the company, excepting in the instance of a loan on bond and mortgage,—an agent has drawn on the company, payable the 4th of February next, for \$2000, which was accepted by the president; and excepting the following contingent responsibility.

The company were lately appointed executors and trustees of the last will and testament of a lady deceased, by which will they are directed to hold a large portion of the estate, in trust, for several females, an infant school, and a church. As the company could not act as executor, the trustees authorized the president to take out letters of administration with the will annexed, and to offer the company as security to the surrogate. This has been done; and the probate received from the surrogate within a few days. Excepting \$1,497.46, of which \$914 was deposited with the company to the credit of the testatrix before her decease, and one lot and house in

the city of New-York, no funds of the estate have come into the hands of the administrator, excepting, also, some articles of dress, books, and jewelry, which, having been specifically devised, have been delivered to the devisees. By the will of the testatrix a large portion of the debts cannot be collected within one year. The accounts of the administrator will be kept in the books of the company, and the proceeds of the estate, as received, will be passed by the administrator immediately to the company, to be applied by them as the will directs.

15th. There has been no bad debt made by the company, on the 1st day of January, 1832, in any of its operations since the commencement of its business; nor are there any debts due to the company, known or believed to be bad, or on which any loss whatever is at present apprehended; nor is there any debt due to the company on which interest has been due for more than a year, or for a longer time than may be accounted for by accidental circumstances, want of notice, sickness, absence, or death, which in all transactions interfere with absolute punctuality. The trustees feel gratified in offering to the Chancellor this evidence of the care with which the affairs of the company have hitherto been conducted; and though they cannot look forward to a perfect exemption from the losses and accidents to which monied institutions are liable, yet they trust, by a continuance of the same prudence, their losses never can be such as to injure the interests of the company, nor in the slightest degree to endanger the funds intrusted to their care.

The company have declared two dividends on the capital stock of the company; one on the 1st day of July, 1831, of 3 per cent, and one on the 3d day of January, 1832, of 3 per cent.

The names and residences of the trustees are—

|                                 |                              |
|---------------------------------|------------------------------|
| William Bard, New-York.         | Nathaniel Prime, New-York.   |
| Stephen Van Rensselaer, Albany. | John Mason, “                |
| Isaac Bronson, New-York.        | Thomas W. Ludlow, “          |
| James Kent, “                   | Benjamin F. Butler, Albany.  |
| Edward C. Delavan, Albany.      | Wm. B. Lawrence, New-York.   |
| Gulian C. Verplanck, New-York.  | Jonathan Goodhue, “          |
| Thomas J. Oakley, “             | Samuel Thompson, “           |
| John Jacob Astor, “             | William James, Albany.       |
| James McBride, “                | Peter Remsen, New-York.      |
| John Duer, “                    | Isaiah Townsend, Albany.     |
| John Hone, “                    | Benjamin Knower, “           |
| Walter Bowne, “                 | John Rathbone, jr. New-York. |
| Stephen Whitney, “              | Nicholas Devereux, Utica.    |
| Peter Harmony, “                | Thomas Suffern, New-York.    |

The officers of the company are—William Bard, President; Edward A. Nicoll, Secretary, and Samuel Bard, Clerk. The salary of the president is \$2,500 per annum; of the secretary \$2,000, and of the clerk \$500.

The only amendments and alterations in the by-laws as reported to the Chancellor, March 29th, 1831, are as follows:

The following words have been added to by-law No. 6: “And to allow 4½ per cent on all deposits for a period over one year.”

In by-law No. 9, the words "four trustees exclusive of the president" have been erased; and the words, "of such trustees as may, from time to time, be appointed by the board, not less than four, nor more than six," have been substituted.

The following by-law has been added—"The president shall, in case of sickness or temporary absence, be authorized to appoint a president pro tem., to perform the duties of president, from among the trustees."

The trustees take advantage of the permission granted by the Chancellor, at the close of his order, to add a few observations on the subject of life insurance. They are aware the insurance of lives was an important motive with the Legislature for granting the charter to the company, and they have been anxious to fulfil what they considered their engagement with the Legislature, and the expectations of the public. On the commencement of business, the company found, besides a life insurance company in Baltimore, two companies in the United States engaged in the insurance of lives, one in Philadelphia, the other in Boston; the one in Philadelphia, it is believed, had been in operation ten or twelve years, the other for not a much less time. The first question which came before the trustees relating to life insurance necessarily was, what tables they would use in determining the rates at which they would do insurances; and it was almost as necessarily a consequence that they would adopt the rates used in the two companies which have been mentioned. Their own want of experience made this the only prudent and safe course, till an examination of the subject, a comparison of our own climate with the climate of Europe, of the constitutions and longevity of Americans with the constitutions and longevity of Europeans, of the various tables which had been formed by scientific men on the other side of the Atlantic, of the rates at which human life wastes, with the few tables which have been attempted in the United States, and with the accessible materials for forming such tables; till further knowledge should enable them prudently and judiciously to decide, whether they could safely for themselves, and therefore safely for the public, make any alteration in what had been the only practice in this country. Life insurance is applicable to the circumstances of so many individuals, is a security against so many of the misfortunes and vicissitudes of life, that it early surprised and disappointed the trustees, that few of their fellow-citizens took advantage of the opportunity offered by the establishment of the company, to guard, by insurances, their families against the dependance and misery which so frequently follow the death of one individual. That it is not with us, as it is in England, almost universally the practice to do so, the trustees attribute to the novelty of the practice, to the circumstance that our citizens are not yet acquainted with its benefits, and somewhat to that sanguine spirit which leads our citizens, more perhaps than the citizens of older countries, to look forward with hope to the future, and to venture for great gains rather than to secure with certainty those which are moderate.

Solicitous to leave nothing undone which they ought to do, to extend and encourage the insurance of lives, the trustees appointed a

committee, not long after their commencement of business, to assist the president with their counsel and advice in relation to the subject of insurance, and in his inquiries how far the rates which have been adopted might be altered or modified so as to afford greater inducements to insurance, without endangering the safety and fair emolument of the company in this branch of its business. That committee have, from time to time, been engaged with the subject, and during the last summer the president laid before them a statement in writing drawn up with considerable labor, detailing the present state of the science of life insurance, the various tables formed in different countries of Europe, comparing the climate of the United States and the climate of those countries, and the interest of money in the State of New-York with the interest afforded for money in Europe, and coming to the conclusion that the present rates of the company might be reduced with prudence and safety. The committee having stated at the regular meeting, the first Tuesday in December last, what had been done, and that they coincided in opinion with the president, it was, at the suggestion of the president, resolved, to refer the subject to the president and Dr. Anderson, professor of mathematics in Columbia College. It was thought advisable, on a subject so intimately connected with his pursuits, to obtain the opinion of a gentleman distinguished for his ability and acquirements. During the month of December that gentleman was engaged in considering the subject which had been referred to him, and in examining the statement of the president; and at the meeting of the board on the third day of January instant, a letter was read from him, approving of the conclusions which the president had come to, and recommending the alterations which he advised and the committee had approved.

Though the company will immediately begin to insure at the reduced rates, which have been determined on, yet it will take some time before a complete set of tables can be calculated. That the Chancellor may be able to judge of the reduction which will be made, the trustees insert two tables, one showing the present charge for the insurance of an individual's life for one year, and the other showing the reduced charge. The trustees further observe, that the insurance fund, derived from the payment of premiums, is a fund set aside by the company, to remain untouched, and to accumulate at the rate of six per cent per annum, to be answerable for the payment of losses by death only, and no part of the profits to be divided among the stockholders, till, at a future period, on an investigation of the state of that fund, it shall be thought safe and prudent so to do. It is hoped this resolution of the board, with the reduction of their rates, will be an additional motive with their fellow-citizens for insuring their lives; a practice, in the words of an eminent philosopher, "the precise reverse of gambling speculations;" its object being to equalize vicissitude, and to place the pecuniary relations of numerous masses of mankind, so far as it extends, on a footing independent of individual casualty; and he adds, "to confer such stability on the fortunes of families, dependent on the exertions of an individual, as to constitute an important feature in modern civilization."

Insurance of one hundred dollars for one year :

| <i>Ages.</i> | <i>Present Charge.</i> | <i>Future Charge.</i> |
|--------------|------------------------|-----------------------|
| 15 .....     | 0,99 .....             | 0,81                  |
| 20 .....     | 1,50 .....             | 0,91                  |
| 25 .....     | 1,68 .....             | 0,95                  |
| 30 .....     | 1,82 .....             | 1,31                  |
| 35 .....     | 2,00 .....             | 1,35                  |
| 40 .....     | 2,23 .....             | 1,69                  |
| 45 .....     | 2,56 .....             | 1,93                  |
| 50 .....     | 3,03 .....             | 2,00                  |
| 55 .....     | 3,57 .....             | 2,32                  |
| 60 .....     | 4,29 .....             | 4,29                  |

The trustees believe, that in the above answers, they have noticed every inquiry made by the Chancellor, and conclude the report by the following statement of their accounts on the 1st day of January, 1832—adding only, that a regular monthly meeting is held by the trustees on the first Tuesday in every month, at which meeting the proceedings of the company for the preceding month are laid before them, and such matters explained by the officers of the company as in the opinion of the trustees require elucidation.

**BALANCE SHEET.**

|  |                                 |
|--|---------------------------------|
| Capital loaned on bond and mortgage, .....   | \$1,000,000 00                  |
| Loans on bond and mortgage, not capital, ...   | 408,481 87                      |
| Loans on stock, .....  | 287,745 08                      |
| Bills receivable, .....  | 248,146 42                      |
| Albany city stock, .....   | 60,600 00                       |
| Interest paid, .....   | 18,529 39                       |
| Expenses, .....  | 8,024 95                        |
| Insurances on account bond and mortgage, ..  | 102 25                          |
| Annuity purchased, being the difference of 1<br>per cent between 6 and 7 per cent on mort-<br>gage of \$2000 assigned to the company at<br>6 per cent, bearing an interest of 7 per ct.. | 1,842 99<br>37,000 00<br>899 69 |
| Real estate, .....   |                                 |
| Balance in bank, .....   |                                 |
|  | <hr/>                           |
|  | \$2,071,372 64 <hr/> <hr/>      |

**For and in behalf of the Trustees of the New-York Life Insurance and Trust Company.**

**With great respect,  
WILLIAM BARD, President.**

*January 26, 1892.*  
E. A. NICOLL, Secretary.

*Resolved*, On motion of Mr. I. Bronson, seconded by Mr. Prime, that the trustees, having heard the report to the Chancellor, prepared by the president and secretary, approve the same, and direct the president to sign it in the name of the trustees, and transmit it to the Chancellor.

Extract from the minutes.

Saturday, January 21, 1831.

E. A. NICOLL, Sec'ry.

### BY-LAWS.

1. There shall be a stated meeting of the trustees on the first Tuesday in every month, to which a report shall be made by the president of the concerns and business of the company during the past month, stating particularly the contracts that have been made, the sums of money that have been received, and on what account, the manner in which the same shall have been invested, and the amount remaining on hand.

2. The president may call a special meeting of the trustees whenever he shall deem it proper. He shall also call a special meeting whenever any three of the trustees shall request him, in writing, to do so. Every stated or special meeting shall be called by a notice, in writing, to each trustee.

3. Nine trustees shall be a sufficient number to form a quorum for the transaction of business; but no by-law shall be adopted, nor any change or alteration made in the by-laws before established, unless at a meeting at which a majority of the whole number of trustees shall be present, and upon a report of a committee appointed for that purpose.

4. The president shall preside at all meetings of the trustees. He shall be a member, ex-officio, of all standing committees. He shall attend the meetings of any special committee, when required by the chairman.

6. The president and secretary shall have power to make contracts of insurance on life, and for granting annuities in the name of the company, and to execute the same; and shall also have power to receive moneys in trust, where the rate of interest to be allowed shall not exceed 4 per cent, and to allow  $4\frac{1}{2}$  per cent on all deposits for a period over one year.

9. The following standing committees, to consist each of such trustees as may from time to time be appointed by the board, not less than four nor more than six, which committees shall hold their offices until others are appointed in their room, shall be elected quarterly, by ballot, at a meeting at which not less than a majority of the whole number of trustees shall be present, namely: a committee of finance, a committee of investments, and a committee of trusts.

10. The committee of finance shall superintend and direct all investments that shall be made of the funds of the company, other than its capital, in stocks and personal securities, and shall receive and audit all accounts against the company.

11. The committee of investments shall superintend and direct all investments that shall be made of the capital and other funds of the company, in bonds and mortgages, or other real securities.

12. The committee of trusts shall have the general superintendence of all special trusts; and no guardianship, receivership, or other special trust, shall be accepted by the president, in behalf of the committee, without their approbation and concurrence; nor, without their approbation, shall any moneys be received in trust, on which a greater interest than 4 per cent shall be allowed.

13. The three standing committees shall together form a general standing committee, whose duty it shall be to determine from time to time what funds of the company, other than its capital, shall be invested in bonds and mortgages and other real securities, and what funds in stocks and other personal securities.

14. Regular minutes of the proceedings and resolutions of each committee shall be kept in books to be provided for that purpose, and each committee shall make a monthly report of its proceedings to the board.

15. Separate books of transfer shall be kept, in which transfers of shares of capital stock and of certificates of trust, where the same are assignable, shall be entered by the person entitled to make such transfer, or his special attorney; but in every such transfer the certificate before issued shall be delivered up, and a new certificate or certificates shall be issued.

16. The president shall, in case of sickness or temporary absence, be authorized to appoint a president pro tem, to perform the duties of president, from among the trustees.

City and County of New-York, ss: William Bard, President of the New-York Life Insurance and Trust Company, and Edward A. Nicoll, Secretary of the same, being duly sworn, depose and say, that the above answer to the Chancellor's order of the 19th of November, 1831, is, to the best of their knowledge and belief, true; and that the resolution annexed is an extract from the proceedings of the trustees, at a meeting held on Saturday, 21st of January, 1832; and that the by-laws annexed is a true copy of all by-laws passed by the trustees at their several meetings.

Sworn before me, 25th January, 1832.

D. HOBART, Commissioner of Deeds, &c.

Filed 31st January, 1832.

(Copy,)

JAMES PORTER,  
Register of the Court of Chancery.



## IN CHANCERY.—BEFORE THE CHANCELLOR.

*In the matter of the New-York Life }  
Insurance and Trust Company. }*

## TO THE CHANCELLOR OF THE STATE OF NEW-YORK :

In pursuance of an order made in the above entitled matter, bearing date on the thirty-first day of January, in the year one thousand eight hundred and thirty-two, whereby the statement exhibited by the trustees of the New-York Life Insurance and Trust Company, of the affairs of such company, for the year ending the thirty-first day of December, in the year one thousand eight hundred and thirty-one, was referred to me, as one of the masters of this court, residing in the city of New-York, in conformity with the provisions of the 18th section of the act incorporating the said company, with special directions to make a full and thorough investigation into the affairs and management thereof, and to report to the court whether the statement of the aforesaid trustees contains a just and true account of such its affairs and management, in manner as was heretofore required by this court.

And whereas, by the order aforesaid, I was empowered to examine, on oath, all or any of the officers, servants and agents of the said company, or any other person or persons, in relation to the affairs and condition thereof, in order the more effectually to ascertain the manner in which the same have been carried on during the said year, as well as since that period,—if, in the course of the investigation, so as aforesaid directed to be made by me, I should discover any cause of suspicion, or other matter, which, in my opinion, would render such examination necessary or proper.

And whereas I was also further required, in and by the said order, to state my opinion in relation to the ability and integrity with which the affairs of the said company have been and are conducted, as to the prudence and safety of its investments, as to the security afforded to those by whom its engagements are held, and as to the advantages derived by the public from its operations.

Now, therefore, I, Frederic De Peyster, junior, such master as aforesaid, to whom the several matters above recited were so referred, do report—

That I have made the investigation, in manner above directed, in reference not only to the various details mentioned in the statement aforesaid, heretofore exhibited by the said company, in conformity with the requisitions contained in the previous order made by this court, in the above entitled matter, on the 19th day of No-

ember last; but also to every material circumstance connected with and explanatory of the actual condition of the affairs and situation of this company, on the thirty-first day of December last past.

That, after a full and thorough examination of the books, vouchers and documents, in the possession of the trustees of the said company, of several of the said trustees personally under oath, as also in like manner, the president and secretary thereof, I have ascertained to my entire satisfaction and conviction that the said statement, in every essential particular, is correct; and I do accordingly certify and report, that the same exhibits the actual situation, and a just and true account of the affairs of the said company, for and during the year one thousand eight hundred and thirty-one.

That in the prosecution and performance of the duties enjoined upon me as aforesaid, every facility has been afforded me by the officers of the said company, which could in any wise aid me in its faithful discharge; and that it was the anxious wish of the trustees to have the condition of the company, the manner in which its business has been transacted, and the whole of its affairs, fully developed and clearly ascertained.

I do further report that previous to touching upon the special matters which in the course of this investigation I have had occasion to examine, pursuant to the above in part recited order, I think it advisable, in the first place, succinctly to enumerate the books, and to state the mode in which the accounts of the said company are kept; with the view to exemplify the simplicity of their arrangement and disposition, and the accuracy insured by the manner in which the various accounts are kept, and of the entries made therein; the said books being so methodized as to furnish expositions in all cases of, and, at the same time, serving as checks upon, each individual account therein contained.

Such enumeration will also, I conceive, tend to throw much additional light upon the details of the said statement and of this report, and furnish more satisfactorily to this court, the means of judging of the nature and extent of the operations of the said company, of the manner in which its business is, and has been conducted, and of the diversity and importance of the subjects embraced in the present investigation.

The trustees of the company keep their cash account with the Manhattan Bank, in this city; and all the funds received by them are there deposited.

These deposits are minuted by the bank, in a pass book, corresponding with the entries made at the company's office. The bank being charged with the same in the books of the company, and a credit passed in such books, which shows the source whence the money so deposited was received.

When drafts are made on the bank for money so deposited, the bank is credited by an entry, charging, at the same time, the individual with the money on whose account it was paid.

For this purpose a check book is kept from which all such entries emanate.

Cash books are also kept, through which these entries pass, in which the cash transactions of the day are brought together under a more distinct form; and these books are frequently balanced, in order to ascertain whether they agree with the balance in bank; and such balance operates as a check upon the different accounts to which the entries refer.

The accounts of the company are kept by double entry; their journal being so arranged as to admit of a debit and credit column, which must necessarily agree in the footing thereof. The necessary entries for opening and closing the books, entries to profit and loss, made preparatory to declaring a dividend, as well as cash entries, are also herein exhibited.

The company have three ledgers, to wit:

One for general accounts.

Another for individual accounts, as an appendage to the above, with an interest column, showing the amount of interest paid and received, and from which distinct balance sheets can be made of the principal general accounts.

The third is a stock ledger, with a certificate book in reference to the stock of the company. Independently of such certificate book, there is connected with this ledger likewise a transfer book, and a small book denominated a tickler, for the purpose of testing the correctness of the entries in this ledger.

A bill book, shows the names of the drawers and endorsers of notes received by the company, the time these notes have to run, and when they become payable; and which book is so arranged, as to admit of ready proof.

The bonds and mortgages of the company are entered in a book ruled in columns, appropriately headed, showing, the name and residence of the mortgagor; the amount of the loan; when the same was loaned; when made payable; the acknowledgment of the execution of the mortgage; the time when the same was recorded; a description of the mortgaged premises; their estimated value; the rate of, and the period when the interest becomes payable; when the loan is repaid; the periods for, and the offices in which insurances are effected, and when the same expire.

Immediately upon the receipt of the mortgage securities, with the accompanying bonds, these columns are filled up so far as the papers furnish the requisite information; and where this is wanting, the appropriate column shows the deficiency.

A schedule of these securities is regularly made every six months, which serves as a balance sheet; and as such, prevents the possibility of an error or omission in the interest moneys due to the company; its object being more particularly to exhibit the interest account.

A column headed "interest, when paid," is filled up as the payments are successively made; and where it remains open, shows at a glance the defaulters.

A "statement book," is laid before the board on the first Tuesday in every month, as required by the by-laws, giving a minute account of the affairs of the company, and presents, in fact, a balance sheet from the general ledger.

The following entitled books are also submitted to the board, at their said monthly meeting, namely :—The Finance Committee; The Committee of Investments; The Committee of Trusts; The General Standing Committee. These several books relate to the transactions respectively of the said committees above designated.

A book of minutes is also kept, wherein the proceedings of each meeting of the board are regularly engrossed, and subsequently approved at the one next ensuing.

Books containing printed copies of policies and certificates issued by the company, serve as checks upon their accounts, in reference to these matters.

A book of collateral securities, principally stock upon which the company have made loans, contains a description of the same, and the name of the borrower.

A book, entitled, "Schedule of deposit in trust and life insurance." This contains also trusts of accumulation, and is intended to ascertain the aggregate amount of each of the said branches of business at the end of every six months, and to show the interest calculations upon the same. This book has hitherto been written up, previous to the dividend being declared by the company.

A book, entitled, "Guardianship," in the form of an account current.

For the greater convenience of showing payments of moneys due to the company, on any given day of the month, a book is kept, entitled, "A monthly calendar."

A dividend book, contains receipts taken for dividends, declared on the stock of the company.

A book is kept, in which are entered the receipts for dividends on stocks hypothecated, received by the president, and paid to the respective individuals to whom loans have been made.

A "Letter book," in which is recorded the correspondence of the company.

A "Book of signatures," contains the autographs of individuals transacting business with the company, in all cases where such signature is considered necessary.

I do further report, that, on the first day of January, in the present year, 1832, upwards of one half of the capital of this company (the whole of which amounts to one million of dollars) was loaned out on bond and mortgage upon real property in this state other than in the city and county of New-York; in which city and county the residue of such capital was in like manner invested, and on like security.

The surplus funds beyond such capital, at the end of the year one thousand eight hundred and thirty one, amounted to the sum of one million and seventy-one thousand three hundred and seventy-two dollars, and sixty-four cents; and at the date of this report, to the sum of one million and ninety-five thousand nine hundred and fifty-six dollars and eighteen cents.

In loaning out the capital, the trustees required that the mortgage security offered should be double the value of the loan. The fact as to such value, appeared from the certificates of their agents em-

played for such purpose, and from other evidence exhibited to me. This the charter of the company as to the disposition of such capital obliged them to do.

In making loans from the surplus funds on bond and mortgage, the same precaution is also observed, when the property is situate out of the city of New-York; but in cases where loans are made on property in the said city, the trustees are governed as to the amount, by their judgment and discretion, according to the nature and value of the proposed security.

It is, however, a general rule adopted by the board of trustees, except as to properties situate in cities and villages, where the converse must necessarily operate, to look to the land as security for the debt, and not to the improvements thereon.

As corroborative evidence of the safety and judicious investment of the numerous loans made by this company, it may be stated, that no suit, either at law or in equity, has been hitherto instituted for the recovery of moneys due to it except in two cases, each of which, on the filing of the bill of complaint, was forthwith settled; and that the whole of the interest moneys, with a trifling arrearage, as hereafter will appear, have been punctually paid.

I do further report, that, as this branch of the investigation made by me, constitutes the most important feature in the condition of the company, and forms, in fact, the basis of its present safety and future operations, I have bestowed peculiar pains in ascertaining the nature of these loans, with reference to the security taken—the correctness with which the titles to the mortgaged premises, down to the mortgagor, have been deduced—the situation and actual value thereof—the due execution and acknowledgment of the mortgages, and that these have been properly recorded.

From the examination which I have made for these purposes, of the great variety of deductions of titles and accompanying documents on file with the company, as approved by the counsel of the company, also of the duplicates thereof, and of the correspondence in relation thereto, recorded in appropriate books kept by the counsel in this city; and also from the explanations and information from time to time, freely afforded by them, and the officers of the company; I am enabled to bear testimony to the research, assiduity, and skill with which the counsel have discharged their arduous duty, and to the faithful and correct performance of the services rendered, under the weighty responsibility imposed upon them.

In the city of New-York, John Duer and Beverley Robinson, Esquires, were appointed the attorneys and counsellors of the company, at its organization, and have continued to act in such capacity up to the present time. Benjamin F. Butler, Esquire, of the city of Albany, was appointed, at the same time, in a like capacity, and still holds the situation.

I have procured from the former gentlemen, a statement, under oath, which I have hereto annexed, and marked Schedule A, and to which for the sake of brevity, I refer, as explanatory of the mode adopted by them, on the examination of all titles to property offered to the company as security. This statement shows with what care-

ful attention and cautious heed such titles are investigated, before they are certified by them to the company, as "approved."

At the request of these gentlemen, I have likewise examined the charges made by them, as such counsel, and I am well satisfied that the same are less than those usually made by the profession in this city, and that they barely amount to a fair and reasonable compensation for the services so rendered.

I do further report, that in conformity with the instructions given to me by this court, subsequently to the receipt of the above in part recited order, whereby the said company were required to specify the several counties in this state, in which property, taken on security for loans made by this company, on mortgage, was located, and likewise the aggregate amount of such loans, in each of the said counties, the board of trustees has furnished me with a supplemental statement, responsive to such requisition. From the examination I have made, as to the several matters therein set forth, I do hereby certify that the said supplemental statement is correct, and that the same has been filed by me, with the register of this court.

I do further report, that from this latter statement, and from the investigation which I have made on the same subject, the following is submitted, as showing, alphabetically arranged, the particular counties wherein the lands mortgaged to the company are located, and also the total amount of loans in each county; first, in reference to loans from the capital, and secondly, to loans from the surplus funds of the company, and denominated "not capital," to wit:—

#### CAPITAL.

| <i>Counties.</i>   | <i>No. of Loans.</i> | <i>Amount.</i> |
|--------------------|----------------------|----------------|
| Albany,.....       | Twelve,.....         | \$90,764 28    |
| Allegany,.....     | Two,.....            | 1,500 00       |
| Broome,.....       | One,.....            | 1,000 00       |
| Cayuga,.....       | Four,.....           | 4,125 00       |
| Chautauque,.....   | Four,.....           | 3,500 00       |
| Chenango,.....     | Two,.....            | 1,950 00       |
| Clinton,.....      | Two,.....            | 2,500 00       |
| Columbia,.....     | Eight,.....          | 40,200 00      |
| Dutchess,.....     | Two,.....            | 13,000 00      |
| Delaware,.....     | Three,.....          | 4,100 00       |
| Erie,.....         | Fifty-two,.....      | 100,808 00     |
| Franklin,.....     | Three,.....          | 6,800 00       |
| Greene,.....       | One,.....            | 3,000 00       |
| Genesee,.....      | Forty-seven,.....    | 35,685 00      |
| Herkimer,.....     | Four,.....           | 7,700 00       |
| Jefferson,.....    | Four,.....           | 4,731 72       |
| Livingston,.....   | Twenty-two,.....     | 26,400 00      |
| Lewis,.....        | One,.....            | 350 00         |
| St. Lawrence,..... | Two,.....            | 2,300 00       |
| Montgomery,.....   | Five,.....           | 14,366 00      |
| Monroe,.....       | Forty-nine,.....     | 95,582 00      |
| New-York,.....     | Twenty-four,.....    | 167,974 00     |
| Niagara,.....      | Seven,.....          | 7,900 00       |

| <i>Counties.</i>   | <i>No. of Loans.</i> | <i>Amount.</i> |
|--------------------|----------------------|----------------|
| Oswego, .....      | Eight, .....         | \$5,000 00     |
| Ontario, .....     | Fifty-seven, .....   | 64,250 00      |
| Orleans, ....      | Fourteen, .....      | 13,550 00      |
| Orange, .....      | One, .....           | 1,000 00       |
| Oneida, .....      | Twenty-one, .....    | 33,900 00      |
| Onondaga, .....    | Twelve, .....        | 10,950 00      |
| Otsego, .....      | Seven, .....         | 5,100 00       |
| Putnam, .....      | Two, ....            | 3,450 00       |
| Queens, .....      | One, .....           | 5,000 00       |
| Rensselaer, .....  | One, .....           | 3,000 00       |
| Saratoga, .....    | Three, .....         | 19,000 00      |
| Seneca, .....      | Nineteen, .....      | 16,860 00      |
| Schoharie, .....   | One, .....           | 700 00         |
| Steuben, .....     | Seven, .....         | 6,200 00       |
| Sullivan, .....    | Two, .....           | 1,500 00       |
| Tioga, .....       | Nine, ....           | 10,050 00      |
| Tompkins, ....     | Thirty, .....        | 34,850 00      |
| Wayne, .....       | Sixty-four, .....    | 69,497 00      |
| Westchester, ..... | One, .....           | 5,000 00       |
| Washington, .....  | Three, .....         | 6,500 00       |
| Yates, .....       | Twenty-three, .....  | 26,550 00      |
| Ulster, .....      | Two, .....           | 21,857 00      |
|                    |                      | <hr/>          |
|                    |                      | \$1,000,000 00 |
|                    |                      | <hr/>          |

Of the Albany loans, mentioned above, there is a loan of fifteen hundred dollars, part of the security for which is in Albany county, and part in Lewis county.

And one loan for \$9,000, part of the security for which is in Albany county, and part in Orleans county. In each instance, the property being included in the same mortgage, the loan is placed in Albany.

Of the loans in Ontario county, there is one for \$3,000, part of the security in Orleans, and part in Tompkins county. And one of \$2,715, (not capital,) part of the security in Wayne and part in Yates.

Of the loans in Oneida, there is one of \$7,000, not capital, part of the security in Oneida, and part in Cayuga.

Of the loan in Rensselaer, part of the security is in Columbia.

#### NOT CAPITAL.

| <i>Counties.</i>  | <i>No. of Loans.</i> | <i>Amount.</i> |
|-------------------|----------------------|----------------|
| Albany, .....     | One, .....           | \$15,000 00    |
| Allegany, .....   | Two, .....           | 850 00         |
| Cayuga, .....     | Twenty-one, .....    | 17,318 00      |
| Chautauque, ..... | One, .....           | 6,000 00       |
| Clinton, .....    | Two, .....           | 1,570 00       |
| Columbia, .....   | Four, ....           | 12,762 00      |
| Erie, .....       | Two, .....           | 1,300 00       |

| <i>Counties.</i>       | <i>No. of Loans.</i> | <i>Amount.</i> |
|------------------------|----------------------|----------------|
| Herkimer, .....        | One, .....           | \$1,000 00     |
| Jefferson, .....       | Two, .....           | 1,350 00       |
| Kings, .....           | Three, .....         | 9,500 00       |
| Livingston, .....      | Five, .....          | 16,650 00      |
| Montgomery, .....      | One, .....           | 2,500 00       |
| Monroe, .....          | Two, .....           | 1,850 00       |
| New-York, . . . . .    | Twenty, .....        | 255,449 87     |
| Niagara, .....         | One, .....           | 425 00         |
| Oswego, .....          | Three, .....         | 8,700 00       |
| Ontario, .....         | Six, .....           | 10,515 00      |
| Oneida, .....          | Two, .....           | 7,500 00       |
| Onondaga, .....        | Four, .....          | 4,024 00       |
| Richmond, .....        | One, .....           | 1,500 00       |
| Saratoga, .....        | One, .....           | 3,500 00       |
| Seneca, .....          | One, .....           | 4,000 00       |
| Sullivan, .....        | One, .....           | 2,000 00       |
| Schenectady, .....     | One, .....           | 2,000 00       |
| Tioga, .....           | One, .....           | 1,200 00       |
| Wayne, .....           | Five, .....          | 7,250 00       |
| Westchester, ....      | One, .....           | 6,000 00       |
| Washington, .....      | One, .....           | 768 00         |
| Morris, New-Jersey,... | One, .....           | 5,000 00       |
|                        |                      | <hr/>          |
|                        |                      | \$408,481 87   |
|                        |                      | <hr/>          |

I do further report, that the aggregate amount of property, of every description—whether of capital or otherwise, or whether secured by bond and mortgage or other security, was, on the thirty-first day of March last, inclusive, two million and seventy-four thousand one hundred and four dollars and thirty-two cents.

That the principal sum, secured by bonds and mortgages, in the manner above stated, are generally made payable in one year from the period when such loan was made; and that the interest due thereon is made payable on the sixth day of June, and the sixth day of December, in each and every year. This is the practice hitherto adopted.

There are a few exceptions, which occurred at the commencement of the company's operations, in cases where the mortgages, with the accompanying bonds, were assigned to the company, and the periods of payment being thereby fixed, the conditions of such bonds were of course decisive on this point.

On all loans made by the company on stocks, these stocks are assigned, as collateral security, together with the note of the borrower, and left with the company. This is now the invariable rule adopted by the board of trustees.

There is not, at present, any loan whatever made on the stock of this company; nor has there ever been a loan made on such stock, to a trustee thereof.

Where loans are made upon stock, it is usual to value such security, at from 10 to 15 per cent. below the market price, the returns



of the board of brokers being daily examined, in order to ascertain such price; and, to render this description of property more safe, the note of the borrower accompanying it is generally made payable on demand, so that in the event of the depreciation of any particular stock, he, the borrower, is forthwith notified thereof, and that the amount of such loan must be immediately proportionably reduced, or that the stock will be sold on his account, and at his risk.

In cases where the loan is not made payable on demand, then the invariable rule is, that such stock is to be kept at the rate at which it was taken by the company; the borrower paying the difference between its value at the time the loan was made, and that when such depreciation occurred.

These stock accounts are kept in the same manner as are the accounts of bonds and mortgages, heretofore stated.

I do further report, that the interest moneys due to the company, on these several loans, remaining due on the date of the report, amount to the sum of three hundred and forty-one dollars and thirty-one cents.

Of this amount none remains unpaid, which has been due for the space of six months.

The trustees of the company now possess in their own right sixty thousand dollars of the stock of the city of Albany, bearing an interest of 5 per cent., and for which one per cent. was paid in advance, making together, the sum of sixty thousand six hundred dollars.

This is the only stock owned by the company.

The only real estate which the company owns, is the lot with the building thereon situate in Wall-street, in the city of New-York, in which their business is carried on. The income derived from letting certain portions of this building, not required by the company, will, there is every reason to believe, exceed the interest on the original cost, and the expenditure incurred on the improvements now in progress and nearly completed.

Of the one hundred and sixty shares of the Chemical Bank, which, in the statement by the company first above referred to, are mentioned as held in trust by the company, eighty of these shares have been sold at 98 per cent. agreeably to the trust; and the balance of the remaining shares are with the company, at the risk of the *cestui que trust*.

In all other particulars, the situation of the company remains the same, as is detailed in the first mentioned statement of the said board.

I do further report, that the board of trustees appointed a committee of three of their own body, on the sixth day of December last past, to examine the affairs of the said company, preparatory to declaring a dividend on the third of January following.

The committee accordingly performed the duty so intrusted to them, with great fidelity and care, and made a report thereupon, which is hereto annexed, and marked Schedule B.

I have examined the several members of this committee, under oath; the result of which examination is contained in their joint deposition, endorsed on such report; and which deposition I have marked Schedule C.

They severally testified, that the investigation made by them was up to, and inclusive of the thirty-first day of December, now last past; and that the report so hereto annexed, shows in detail the result of the examination made by them, personally, thoroughly, and to their entire satisfaction.

They further testified, that they believed such report to be a faithful exposition of the situation of the affairs of the said company; that the entries in the books of the company were correctly made; and that the vouchers and documents relative thereto were, on such occasion, fully exhibited to them: to which report, for greater certainty, I beg leave to refer.

I do further report, that before I examined the several members of such committee, and the details of their said report, I had concluded the investigation, made by myself, touching the matters hereinbefore referred to, in order the better to test the result of the examination of the said committee, as to the actual condition of the affairs of the said company, on the said thirty-first day of December last past.

That I found the report of the said committee substantially to coincide with my own researches, except in the particular instances, to which I shall briefly advert:—

They stated, that the amount loaned on bond and mortgage was, on the 31st December, 1831, ..... \$1,419,481 87

That the papers were complete for..... 1,155,920 15

That the bonds were wanting for ..... 9,600 00

That the bonds and mortgages were wanting for . 53,031. 72

And that the mortgages were wanting for..... 200,930 00

I have examined into the causes of these deficiencies, and into the actual state of the papers, up to the date of this report, and found that these deficiencies were owing to necessary delays in the course of transacting business, and to the difficulty of communication, during winter, with various agents and officers.

At the date of this report, the bonds and mortgages stated by the said committee to be wanting, had been returned, and were in the office, except for \$9,631.72.

All stated as bonds simply wanting, had been returned, and are in the office, excepting for \$4,850.

And all stated as mortgages simply wanting, where the bonds were previously with the company, had been returned, and are in the office, excepting for \$42,604.

Delays in the receipt of papers from the country, are principally, it seems, occasioned by the desire of forwarding them by private conveyance, to save expense to the parties of postage upon large parcels.

I do further report, that after I had concluded such investigation, and had examined the several members comprising the said committee, I examined, under oath, William Bard, Esquire, president of the said company, in relation to its affairs; and also as to the several matters contained in the statement by the company, before referred to.

This examinant testified, that in the course of the investigation made by me, he had furnished all the documentary and other evidence. [S. No. 112.]

dence in the possession of the said company, which in any manner was connected with, or explanatory of its situation, affairs, and condition.

That in the progress of such my investigation, the information given by him to me, as such Master, whenever requested or required, was, to the best of his knowledge and belief, in every essential particular, true.

That I also examined, in like manner, Edward A. Nicoll, the Secretary of the said company; who testified that he keeps the books and accounts connected with, and relating to, the affairs of the said company; that in the course of the examination made by me, he, the examinant, had not intentionally withheld any means in his possession, which, to his knowledge, could throw any light upon the affairs or concerns of the said company, or which could prevent me from, or mislead me, in truly and fully ascertaining the same.

That the various entries contained in the said books, the statements, calculations, and amounts therein specified, were, to the best of his knowledge and belief, true; and that in no case, nor on any occasion, had he knowingly concealed or disguised the actual situation of the affairs of the company; but that, without any mental reservation, the information given by him to me, had been furnished solely with the view of enabling me to ascertain the positive condition of the said company, and the mode in which their affairs were, and had been managed.

I have annexed such last mentioned testimony to this my report, and marked the same Schedule D.

I do further report, that on the first Tuesday in every month, a regular meeting of the Board of Trustees is held, at which the proceedings of the month preceding, are laid before them, and the affairs of the company made known to the trustees, by their officers.

On the third day of April, instant, at such regular meeting, the balance sheet whereof the annexed Schedule E is a copy, was laid before the board; which schedule is here referred to, as showing, in a condensed form, the situation of the company's affairs, on the 31st of March last.

At this last mentioned meeting, the by-laws contained in the annexed schedule, marked F, were severally adopted, and added to the previously existing by-laws of the company. These, as far as was practicable, are intended to provide against the accumulation of their real estate, on sales by foreclosure of their mortgage securities, which, in the anticipation of many, was considered as a highly objectionable feature in the institution of the company.

I do further report; that among the few remaining subjects to be reviewed by me, the many and important advantages which the public may derive from the operation of this institution, with respect to the inducements and facilities held out by the company to insure on lives, merits particular consideration.

To enter minutely upon the subject of life insurance, to enlarge upon the various uses to which it may be applied, or to expatiate upon its numerous benefits to the community, would require a more extensive detail and discussion, than, it is presumed, was intended

or desired by the court; more especially, as in referring to the documents already published on this subject, by the trustees of the company, the advantages of its establishment will be found to be therein fully examined, and happily illustrated.

Inasmuch, however, as I am directed to state my opinions as to the benefits derived by the public from the operations of the company, I shall briefly advert to one or two instances, which prominently suggest themselves to me, in its favor.

The practice of life insurance may be said to be chiefly beneficial in promoting economy, by the inducement it holds out to the lower and middling classes, to invest small amounts; thereby operating in the manner of a savings bank, by placing trifling gains at compound interest; and with this additional advantage, that death, happen when it may, instead of putting a stop to, completes the accumulation.

To one, struggling for the support of a rising family, it affords the strongest incentive to cheerful industry, by removing from him at once those otherwise unavoidable anxieties, which are incident to such a condition. It tends to encourage, in the rich, a liberal confidence in the honest and enterprising poor, by affording to the former a security against loss, in the event of the decease of the latter.

The many other instances in which life insurance may become subservient to the best interests of society, it might, for the reasons previously assigned, be deemed superfluous to specify; but from their great variety, exclusive of those which I have just stated, I am well convinced that this branch of the company's business will confer essential benefits on the public, when rightly understood and duly appreciated by the citizens of this state.

The trustees have considered this an important object to be attained, and are therefore employing all the means in their power to extend their operations as far and as fast as is prudent.

This desire, on their part, is fully evinced by the documentary and other evidences, on this subject, submitted to me by the officers of the company.

I have annexed to this report a table of the rates of life insurance, and have marked the same schedule G, according to which rates, the company proposes to insure lives in future. It has been completed within these few day, and with some few alterations, to render it uniform in its ascent from the age of 14 to 60, corresponds with the rates heretofore given in the statement by the company, first above referred to.

The high rate of interest in this country, so long as it lasts, will doubtless cause annuities to be less sought after, particularly in the early periods of life, than in countries where interest is low. Still, however, a company granting annuities, affords great conveniences to a busy and commercial population, and will naturally be frequently resorted to, in order to secure to old age the comforts of life, by the conversion of small capital into income, and likewise in relieving estates from dower, and other similar incumbrances.

As yet, the business of the company in life insurance and annuities has been inconsiderable; but it is evident that there is an increasing desire growing up on the part of the public to avail themselves of

both, and it is believed that further experience and more enlarged information will extend these branches of the institution, but particularly the former, in proportion as their usefulness and importance become more and more manifest.

I do further report, that having, as above, expressed my opinion as to the anticipated benefits of life insurance and annuities, I proceed briefly to state my views of some of the benefits that the public may derive from the general operations of the company.

These are abundantly conspicuous from an examination of the nature of the deposits made with the company.

This institution has proved its usefulness to the community, by the security which it affords, in itself, in the management of its affairs, and in the consequent estimation in which it is held by the public, as appears from the large deposits intrusted to it by courts, public officers, guardians, females, the wealthy out of business, and from that class of depositors who, either from inability or unacquaintance with business, or indisposition to hazard and trouble, prefer a moderate rate of interest, when punctuality in payment, and confidence in the safety of their principal, are undoubted, to a higher rate accompanied with risk and other concomitant inconveniences.

With reference to this subject, I have examined the books of the company, and its officers, and feel satisfied that the whole of the money deposited with it may safely be stated to be of one or other of the former character and description.

In proof of the correctness of this conclusion, and as evidence that these deposits are not derived from moneys employed in trade, it is only necessary to refer to the rule of the company, not to receive moneys payable on demand, to the entries in the books of the company, and to the present state of the commercial world.

From these books it appears, that during the late severe pressure in the money market in this city, the deposits have rather increased than diminished; thereby clearly showing the established credit of the company, and that the funds so deposited with it are not the moneys of trade; for, if otherwise, it is beyond a doubt that these funds would not have been allowed to remain at a low rate of interest, at a time when many men of business were notoriously in want of means, and who, not unfrequently, (as is publicly known in this city,) were obliged to supply themselves at a rate of interest exceeding that allowed by law.

These facts are submitted to the consideration of the court, for the purpose of showing, that the company has, in this early stage of its business, answered a prominent object of its establishment.

In mentioning these facts, I by no means wish to be understood as asserting, or even to infer, that if the funds so deposited with the company, were wholly or in part composed of moneys of trade, such deposits would be prejudicial to the interests of the public at large, or, in particular to a commercial community; on the contrary, I am of opinion, that an institution which affords a place of safe deposit for funds generally, upon the terms adopted by this company, must prove a valuable acquisition to the country—give activity to commerce, and be peculiarly advantageous to the merchant, by enabling

him beneficially to invest his unemployed capital, and thus to increase his profits.

I subjoin the following statement, to exhibit the importance of the institution, in the facilities offered to other than business men. It gives a general description of the depositors, and the amount in the aggregate deposited, as the same was compiled from the books of the company on the 24th day of February last, to wit :

|   |              |
|---|--------------|
| By farmers and residents out of the city, ...                       | \$119,327 47 |
| Females, .....  | 56,724 19    |
| Charitable institutions, .....                                      | 119,126 10   |
| Banks out of the city, .....  | 26,350 00    |
| Receivers, .....  | 71,294 84    |
| Committees, .....   | 7,671 76     |
| Commissioners, .....  | 53,170 00    |
| Trustees, .....   | 59,296 74    |
| Executors, .....  | 61,355 19    |
| Administrators, .....   | 31,942 36    |
| Guardians, .....  | 31,263 74    |
| Registers in Chancery, Surrogates, and }<br>Clerks of Courts, ..... | 37,622 24    |
| Clergy, .....   | 6,200 00     |
| Lawyers, .....  | 15,912 01    |
| Physicians, .....   | 2,000 00     |
| Individuals, .....  | 215,862 70   |
| Teachers, .....   | 4,077 05     |
|   | <hr/>        |
|   | \$919,197 39 |

*For accumulation :*

|  |           |
|--|-----------|
| By Reg'r. in Ch'ry. and Surrogates, \$17,413 54 }  |           |
| Individuals, principally for children, 33,445 89 } | 50,859 43 |

Amount, \$970,056 82

I do further report, that the result of my observations and reflections, in relation to the present investigation, is more immediately derived from the operations of the company in this part of the state; and the annexed letter (Schedule H) addressed to me, at my request, by the Surrogate of the county of New-York, furnishes additional evidences of the result alluded to. From the liberal policy which the trustees have adopted in the loans made in other portions of the state, I do, on general principles, consider its operations there to be equally beneficial. The active, industrious, and enterprising inhabitants of the state, particularly in the western country, require a large and diffused capital, for the development and improvement of the ample resources which are daily increasing and establishing her influence and importance in the Union.

An institution practically and beneficially operating to unfold these resources, to secure the fruition of their resulting blessings, and to stamp their concomitant effects upon the character of her population well deserves the patronage and support of the public.

To show that such has already been, to a considerable degree, the effect of the operations of the company, in the country, I annex a copy of a communication, (marked Schedule I,) addressed to its president, by one of the company's agents, whose general intelligence, professional engagements, and intimate acquaintance with the western portion of the state, enable him to form an accurate opinion on the subject.

In conclusion, I do report, that after a long and laborious examination of the past and present condition of this company; after a full and thorough investigation of its affairs, and the management of its business—after bestowing on these much time, great pains, and my best abilities, to ascertain their actual state—with the books and correspondence of the institution, and the minutes of the proceedings of its board of trustees, at all times open to my inspection—facilitated, moreover, by the cheerful and candid exposure on the part of the officers of the company, of all documentary or other evidence in relation thereto, and by the prompt explanations received where these were necessary—I unhesitatingly state, and accordingly do certify, that in my opinion the affairs of the company have been, and are, conducted with great ability, and with perfect integrity—that its investments are made with prudence and safety—that the security afforded to those by whom its engagements are held, is ample and unexceptionable, and that the advantages derived by the public from its operations, for the reasons before assigned, are both manifold and important, are becoming daily more and more known, and consequently, by their judicious improvement, may, both with respect to the company and the public, be beneficially extended.

All which is respectfully submitted.

FREDERIC DE PEYSTER, Junr.,

Master in Chancery.

Dated New-York, April 14th, 1832.

## SCHEDULE A.

WE, the undersigned, do hereby certify, that we were appointed the attorneys and counsel of the New-York Life Insurance and Trust Company, at its organization, and have continued to act in that department until the present time.

That in all cases, either the one or the other of us examines the title of the applicant for a loan, so as to be satisfied that the same is valid, and the property free from incumbrances; and, in cases of importance, where the loans are to a considerable amount, we unite in the examinations and certificates.

In all cases arising within the city of New-York, or in the neighboring counties, we prepare the securities ourselves, procure the necessary abstracts and certificates, from the proper offices, and require the production before us of such title deeds and documentary

evidence as are necessary to exhibit a satisfactory chain of title. We then make out a full deduction of the title, and enter it in a book kept for that purpose, in which we also enter our fees and disbursements. A copy of such deduction is delivered to the company with the certificate, of one, or both of us, that one, or both, have examined such title; that we are satisfied that the same is good and valid in the mortgagor, and that the premises are free from all prior incumbrances.

We also require an affidavit from the mortgagor, stating, in substance, the length of possession under the title exhibited; that his title to the premises is good and valid, as he verily believes; that he has never heard the same disputed or questioned, in any manner whatsoever; and that the premises are free from incumbrance of every description.

Where the applicants reside in distant counties, the securities are drawn in the form prescribed by us, and a full deduction of the title obtained. The deductions are made from the records, by the clerks of the counties where the lands proposed to be mortgaged are situated.

The usual form is for the clerk to certify,—That on, &c., he received to be recorded, a mortgage executed by A. B. to the New-York Life Insurance and Trust Company, to secure the payment of \$ on (giving a brief description of the property.)

He then gives an abstract of every deed, beginning with the oldest, down to the mortgagor. These abstracts contain the names of the parties, date, and nature of the deed; a brief description of the property; and the place where the deed is recorded. If the certificate of acknowledgment varies from the usual form, we require a certified copy of it.

After going through the title down to the mortgage to the company, the clerk then certifies,—That upon a careful examination of the records, he finds no other deed or mortgage affecting the premises in question; and that there are no judgments docketed in his office, within the last ten years, against A. B., from, &c. to, &c. (giving the period from the commencement of the ten years up to the time when the individual conveyed,) and so through to the mortgagor.

This deduction is accompanied by the usual certificate, as to incumbrances.

The papers, thus prepared, are submitted to us for an examination and opinion upon them.

If there be any deed forming a link in the title, which is not recorded, we require it to be produced and recorded if acknowledged, or proved. If not, and it be a recent deed, we retain it among the papers. If an old deed, we note who has the custody of it.

Those documents are carefully examined by one, or both of us, and if we are satisfied with the title, and that the property is free from incumbrance, we indorse an approval upon the deduction of title. On this certificate the money is advanced.

The printed paper annexed is a copy of our general instruction, and which we require to be observed, as far as the circumstances of the case will admit of it.



The company recognise no other counsel than ourselves, and rely upon our certificate only, except in the city of Albany, where B. F. Butler, Esquire, has been the legal agent of the company.

In no instance is any title passed with the validity of which we are not perfectly satisfied.

New-York, 31st March, 1832.

B. ROBINSON,  
JNO. DUER.

New-York, ss: Beverly Robinson, being duly sworn, saith, that the matters stated in the preceding certificate are true, as far as they relate to his own acts.

B. ROBINSON.

Sworn this 14th April, 1832, before me,  
FREDERIC DE PEYSTER, Jr.  
Master in Chancery.

New-York, ss: John Duer, being duly sworn, saith, that the matters stated in the preceding certificate are true, as far as they relate to his own acts.

JNO. DUER.

Sworn this 14th April, 1832, before me,  
FREDERIC DE PEYSTER, Jr.  
Master in Chancery.

*Instructions to persons applying for loans to the New-York Life Insurance and Trust Company.*

I. A regular paper title for at least thirty years, with a deposition by the applicant, that the possession has been uninterrupted under that title during such period; that he believes the title to be good, and has never heard the same impeached or questioned; and that the property proposed to be mortgaged is free from incumbrances. Should it happen that the applicant cannot depose as to thirty years possession, the same proof must be supplied by the deposition of some other respectable person.

II. The title deeds must be produced, if practicable; if not, extracts from the records, containing the following particulars:

1. The date, parties, consideration, and where recorded.
2. The granting words.
3. The description of the property literally copied.
4. Description of the covenants: as, covenant for *quiet enjoyment—further assurance—general warranty*, &c. as the case may be.
5. An exact copy of the acknowledgment or proof.
6. Where the title depends upon a will, if the original cannot be produced, an exact copy from the records must be furnished.
7. Where the title depends upon a descent cast, there must be a deposition of some respectable individual acquainted with the family, stating the fact of such descent.

III. A certificate of search from the Clerk, as to mortgages and conveyances against the proper parties, including loan office mortgages.

IV. A certificate of search as to judgments against the proper parties, for ten years.

V. A certificate from the assessors of the town that no taxes are due upon the land, and that none have been returned to the Comptroller.

VI. A certificate that the mortgage to the company is received to be recorded.

The names of the parties and description of the property had better be furnished in the first instance, when the mortgage can be prepared, executed, and deposited for recording, while the title is under examination.

VII. The applicant is to pay for drawing the bond and mortgage, (five dollars;) and for the acknowledgment and recording of the mortgage; and a fee for the examination of the title, according to the labor bestowed upon it.

## SCHEDULE B.

*Report of the committee of the New-York Life Insurance and Trust Company, appointed by the Trustees, at a Meeting held on the 6th December, 1831, for the purpose of examining the Books, Vouchers and Documents, in the Office of the Company, and of ascertaining the state of its affairs, previous to declaring a Dividend, on the 3d January, 1832.*

The capital being, ..... \$1,000,000 00

The Committee report, that they have compared the bonds and mortgages in the office with the entries, and find the amount loaned on securities of the same on the 31st instant to be ..... \$1,419,481 87

The papers the Committee report complete for the amount of \$1,155, 930. 15.

That the bonds are wanting for the amount of \$9,600.

The president states that of the above, bonds for the amount of \$4,800 are with the counsel of the board, and for the amount of \$800 in the hands of Charles Butler, agent. In the hands of Mr. Kirkland \$1,000, and

Amount carried forward, ... \$1,419,481 87 \$1,000,000 00

Amount brought forward,... \$1,419,481 87 \$1,000,000 00  
on the 31st December, in the office  
\$3,000.

That the bonds and mortgages are  
wanting for the amount of \$53,031  
72.

For this amount the Committee state  
they have seen the drafts in the of-  
fice by the borrowers, endorsed by  
the agent, and the president states,  
of this amount the bonds to the  
amount of \$27,781.72 are with the  
counsel of the board; the papers  
waiting some item of amendment  
before being sent to the office; and  
of the balance, \$20,950 is with  
Charles Butler, agent, who writes  
he will be in the city the beginning  
of January, and will bring them  
with him. In the hands of Mr.  
Fuller, who writes he wants a pri-  
vate opportunity to send them,  
\$2,000. In the hands of Let Clark,  
\$1,700, and in the hands of L. T.  
Allen, who it is supposed waits a  
like opportunity, \$500.

The mortgages are wanting for the  
amount of \$200,930. The presi-  
dent states, that the above mortga-  
ges are in the office of the several  
clerks for recording. The com-  
mittee examined but two or three  
of the certificates of the clerks, de-  
pending on the statement of the  
president and counsel, that except-  
ing in rare instances, where the  
certificate has been accidentally  
forgotten, and the agent has written  
that the mortgage is in the office.  
The deduction of title is accompa-  
nied with the certificate of the  
clerk, that the mortgage is in the  
office. Measures will be immedi-  
ately taken to have these mortga-  
ges returned.

The committee further report, that  
they have compared the bills re-  
ceivable, as entered in the books  
of the company with the note book  
of the Manhattan Bank, certified

---

Amount carried forward,... \$1,419,481 87 \$1,000,000 00

|  |                |                |
|--|----------------|----------------|
| Amount brought forward,...   | \$1,419,481 87 | \$1,000,000 00 |
| D. J. Ledyard, teller, and found the said entries correct, and that the amount of bills receivable so entered on the 31st December, inst. is.....  | 188,546 42     |                |
| The Committee further report, that they have examined the loans on stock securities, and find them correctly entered in the books of the company, and that the certificates of stock and securities as entered are in the office, and that they amounted on the 31st December to | 336,345 08     |                |
| The Committee further report, that the Deposits in trust amount on the 31st December instant, to.....  |                | 980,667 01     |
| And the trusts of accumulation on the same day to .....  |                | 32,198 12      |
| The Committee further report, that they have examined the state of the account of the company as guardian, appointed by the Chancellor, of two minors, George B. Marshall and William W. Marshall, and find the company have received on that account in cash, .....             |                | 10,848 56      |
| which is correctly entered in the books of the company; and for the same account a transfer of United States stock, being a certificate for \$7,451.30, bearing an interest of 5 per cent, redeemable in 1835.   |                |                |
| The Committee further report, that they have examined a document relating to a special trust made by John Correga, and find in the office a certificate of 160 shares of the capital stock of the New-York Chemical Manufacturing Company.                                       |                |                |
| The Committee further report, that they have examined the life insurance account, and find the amount received on that account to December 31st, instant, .....  |                | 9,375 64       |
| The Committee further report, that they have examined the annuity account, and find the amount received for annuities granted to December 31st instant, .....  |                | 6,145 55       |
| Amount carried forward,....  | \$             | \$             |

|   |           |        |
|---|-----------|--------|
| Amount brought forward, ...   | \$        | \$     |
| and the amount paid the Bank of<br>Monroe for an excess of interest<br>on loan upon bond and mortgage,<br>called on the books an annuity pur-<br>chased, .....  | 1,842 99  |        |
| The Committee further report, that<br>they estimate the company's real<br>estate at .....   | 37,000 00 |        |
| It appears from the books, that this<br>amount of rent has been received<br>on a part of the same .....   |           | 75 00  |
| The Committee further report, that<br>they have examined twenty certifi-<br>cates of Albany city stock belong-<br>ing to the company, each certifi-<br>cate being for \$3,000, making \$60,-<br>000, 1 per cent. advance having<br>been paid for the same, 600, is... | 60,600 00 |        |
| The committee report this sum due<br>from individuals for insurances ef-<br>fected on their property, upon<br>which the company have made<br>loans, .....   | 102 25    |        |
| The Committee further report, that<br>the expenses of the company, in-<br>cluding salaries for six months, end-<br>ing December 31, 1831, amount to<br>and the payment of a tax on the<br>capital for one year, collected to<br>12th November, .....                  | 4,024 95  |        |
|   | 4,000 00  |        |
| The Committee further report, that<br>they have examined the bank book,<br>and find the balance in the Manhat-<br>tan Bank to agree with the books of<br>the company, said balance amount-<br>ing, to the 31st December inclu-<br>sive, to .....                      | 899 69    |        |
| The Committee further report, that<br>the company is indebted to agents<br>for this sum, remaining to their<br>credit on account of loans effected<br>through them, .....   |           | 918 94 |
| The Committee report, that this<br>amount remains to the credit of the<br>last dividend account, as unclaimed,  |           | 645 00 |
| The Committee further report, that<br>there appears, on the 31st Decem-<br>ber, instant, a credit balance of in-  |           |        |
| Amount carried forward, ....  | \$        | \$     |

|   |    |           |
|---|----|-----------|
| Amount brought forward, ...   | \$ |           |
| Interest on bills receivable, amounting to....  |    | 20,824 26 |
| and a credit balance on the 31st December, instant, of interest on stock loans, amounting to .....  |    | 18,058 26 |
| and a credit balance on the 31st December, instant, of interest on bond and mortgage, amounting to. |    | 39,116 00 |
| and also a credit balance on the 31st December, instant, on Albany stock, amounting to.....         |    | 1,500 00  |

|  |           |
|--|-----------|
| The Committee further report, that there appears a debit balance for interest paid on deposits of trust, on the 31st December, instant; amounting to ..... | 17,252 58 |
| and a debit balance for interest paid on loans for the company, on the 31st December, inst. amounting to.....  | 1,241 26  |
| and also a debit balance on the 31st December on annuities, amounting to.....  | 35 55     |

The Committee further report, that they have not extended their examination of deposits in trust and other moneys received by the company, beyond the balances stated in the ledger; and that they have not gone over the calculations of interest due by or to the company, or paid to, or by the company; but that they have seen sufficient to give them confidence in their correctness, and find them to agree as stated with the balances of those accounts in the books of the company.

|                       |                       |
|-----------------------|-----------------------|
| <u>\$2,071,372 64</u> | <u>\$2,071,372 64</u> |
|-----------------------|-----------------------|

The Committee further report, that from their own observation, and the statement made by the officers of the company, the following result may be depended upon, viz:

|                                      |              |
|--------------------------------------|--------------|
| The deposits in trust, amount to.... | \$930,667 01 |
| Trusts of accumulation,.....         | 33,198 12    |
| Guardianship account,.....           | 10,848 56    |

|                             |              |
|-----------------------------|--------------|
| Amount carried forward,.... | \$974,713 69 |
|-----------------------------|--------------|

|                             |              |                |
|-----------------------------|--------------|----------------|
| Amount brought forward, ... | \$974,713 60 |                |
| Life insurance,.....        | 9,375 64     |                |
| Annuities granted,.....     | 6,145 55     |                |
| Agents, .....               | 918 94       |                |
| Unclaimed dividends, .....  | 645 00       |                |
| Capital,.....               | 1,000,000 00 |                |
|                             | <hr/>        | \$1,991,798 82 |

Which is to be accounted for by the following:

|  |              |              |
|--|--------------|--------------|
| Amount invested on bond and mortgage, .....                            | 1,419,481 87 |              |
| Bills receivable,.....   | 188,546 42   |              |
| Loans on stock, .....  | 396,345 08   |              |
| Albany city stock, .....   | 60,600 00    |              |
| Real estate,.....  | 37,000 00    |              |
| Due from individuals for insurance on property paid for their account, | 102 25       |              |
| Annuity purchased,.....  | 1,842 99     |              |
| Balance in bank, December 31, 1831,                                    | 899 69       |              |
|  | <hr/>        | 2,044,816 30 |

|  |           |           |
|--|-----------|-----------|
| To this balance of .....   |           | 53,019 48 |
| Add the following items, to wit, the interest on bonds and mortgages, due on the 1st December, instant, and not paid; and due from the 1st December to the 31st December, inclusive, amounting to..... | 14,493 16 |           |
| Interest due to the company on stock loans, .....  | 5,241 49  |           |
| Two months' interest on Albany stock, .....  | 500 00    |           |
| Two months' rent of basement office,   | 50 00     |           |
| Interest on annuity purchased,.....  | 26 81     |           |
| One year's allowance from corporation of New-Orleans, for charge of stock account, .....   | 400 00    |           |
|  | <hr/>     | 20,711 46 |
|  |           | <hr/>     |
|  |           | 73,730 94 |

|   |           |             |
|---|-----------|-------------|
| From which will be taken:   |           |             |
| Interest on premiums of insurance, ..   | 587 22    |             |
| Interest on bills receivable, credited in ledger, but accruing on and after 1st January, 1832, .... | 2,148 00  |             |
| Interest due on deposits of trust, ...  | 18,926 02 |             |
| cluding sum accumulated, .....  | 745 55    |             |
| Interest on trust of accumulation, in-  |           |             |
| Interest on annuities granted, .....  | 94 48     |             |
|   | <hr/>     | 22,502 15   |
|   |           | <hr/>       |
|   |           | \$51,228 79 |

The Committee are of opinion, that it will be proper for the company to declare a half yearly dividend of 3 per cent. on the capital stock of the company, on the 3d January, 1832.

JONATHAN GOODHUE,  
THOMAS W. LUDLOW,  
THOMAS SUFFERN.

Dated December 31, 1831.

# SCHEDULE C.

## IN CHANCERY—BEFORE THE CHANCELLOR.

*In the matter of the New-York Life }  
Insurance and Trust Company. }*

CITY and County of New-York, ss:—Jonathan Goodhue, Thomas W. Ludlow, and Thomas Suffern, severally of the said city, being duly sworn, do, and each of them doth, depose and say as follows, to wit: That they are trustees of the said company, and were appointed a committee from the board of trustees, in the month of December last, to examine the books, vouchers and documents, in the office of the said company, in order to ascertain the situation of its affairs, prior to the declaring a dividend, on the 3d January last past; that such examination was made up to, and inclusive of the 31st December, last past; and that the within report, subscribed by them respectively, shows in detail the result of such examination, which was made by them personally, fully, and to their entire satisfaction.

And these deponents further severally depose, that they verily believe such their said report to be a faithful exhibit of the situation of the affairs of the said company, on the last day of December past; that the entries in the said books were correctly made; that the vouchers and documents relative thereto were fully exhibited to them; and that the various statements in said report contained, are severally true.

JONATHAN GOODHUE,  
THOMAS W. LUDLOW,  
THOMAS SUFFERN.

Sworn before me, on this 29th March, 1832,  
FREDERIC DE PEYSTER, Jr.  
Master in Chancery.



## SCHEDULE D.

IN CHANCERY—BEFORE THE CHANCELLOR.

*In the matter of the New-York Life }  
Insurance and Trust Company. }*

*Depositions of Witnesses taken by Frederic De Peyster, junior,  
one of the Masters of this Court, residing in the city of New-  
York, in the above matter, under an order therein made, bearing  
date the 31st January, 1832.*

**WILLIAM BARD**, of the city of New-York, being duly sworn, on this thirty-first day of March, in the year one thousand eight hundred and thirty-two, doth depose and say as follows, to wit: He is president of the New-York Life Insurance and Trust Company, and as such, has furnished to the Master, in the matter of the investigation made by the said Master under the above mentioned order, in relation to the affairs of the company, and in reference to the statements made in the answer heretofore made to this court, by this deponent, as such president, and also by the secretary of said company, on behalf of the board of trustees, all the necessary and accessible means for ascertaining the actual situation of the affairs of the said company, and the truth of such statements, severally made as aforesaid, without any intended concealment, reservation, or restriction, whatever. That the means so offered and furnished to the said master, for the purpose of such investigation, comprised all the documentary and other evidence in the possession of said company, which in any manner was connected with or explanatory of such its situation, affairs, and condition. And that in the progress of such investigation, the information given by this deponent to the said Master, whenever required or requested by him, was verily stated, and was, and is, to the best of his, deponent's, knowledge and belief, in every essential particular, true.

**WILLIAM BARD**, President.

**EDWARD A. NICOLL**, of the said city, being duly sworn, on this thirty-first day of March, in the year one thousand eight hundred and thirty-two, doth depose and say as follows, to wit: He is secretary of the said company, and keeps the books and accounts connected with, and relating to, the affairs of the said company. That in the progress of the examination made by the said Master, as mentioned in the preceding deposition of William Bard, the president of the said company, which deponent has read, he, this deponent, has not intentionally withheld any means in his possession, which, to his knowledge, could throw any light upon the affairs and concerns of the said company, or which could prevent the said Master from, or mislead him in, correctly, truly, and fully ascertaining the same. That the several and various entries contained in the said books,

the statements, calculations, and amounts therein specified, made and recorded, are, to the best of this deponent's knowledge and belief, true. And that in no case, or on no occasion, has this deponent knowingly concealed, withheld, or disguised, the actual situation of the affairs of the said company; but that, without any mental reservation whatever, all the information and proofs furnished to the said Master, in the progress of such examination, have been given, solely with the view of enabling him, the said Master, to ascertain the positive condition of the said company, and the mode in which its affairs are, and have been managed.

EDWARD A. NICOLL.

Sworn to before me, on the days severally mentioned in the foregoing depositions, by the above named William Bard and Edward A. Nicoll, who severally testified as aforesaid.

FREDERIC DE PEYSTER, Jr.

Master in Chancery.

### SCHEDULE B.

*Statement from the New-York Life Insurance & Trust Company's Statement Book, on the 31st March, 1882.*

DR.

Capital invested on Bond and Mortgage, in the city,

|                   |             |
|-------------------|-------------|
| at 5 per cent.    | \$88,150 00 |
| 6 "               | 101,976 50  |
| 7 "               | 1,500 00    |
| Country,..... 5 " | 53,550 00   |
| 6 "               | 31,938 71   |
| 7 "               | 722,884 79  |

\$1,000,000 00

Loans on Bond and Mortgage, independent of capital, in the city, at

|             |             |
|-------------|-------------|
| 6 per cent. | \$62,707 15 |
| 7 "         | 141,869 50  |

Country,..... 6 "

11,500 00

7 "

200,367 21

Bonds, ..... 7 "

11,000 00

427,443 86

Amount carried forward,..... \$1,427,443 86

|   |             |    |
|---|-------------|----|
| Amount brought forward, .....                     | \$1,427,443 | 86 |
| Loans on Stock, for a period, at                  |             |    |
| 6 per cent.                                       | \$20,000    | 00 |
| 6½ " "  | 1,200       | 00 |
| 7 " "   | 17,354      | 78 |
| On demand, ..... 5½ " "                           | 26,350      | 00 |
| 6 " "   | 4,678       | 57 |
| 7 " "   | 174,879     | 31 |
|   | <hr/>       |    |
| Bills Receivable, .....                           | 244,462     | 66 |
| Albany City Stock, .....                          | 294,093     | 97 |
| Interest paid on deposits, .....                  | 60,600      | 00 |
| Loans to companies, .....                         | \$5,598     | 33 |
| Annuities, .....                                  | 35          | 80 |
|   | 7           | 55 |
|   | <hr/>       |    |
| Insurance Accounts, viz : Bonds and Mortgages, .. | 5,641       | 68 |
| Annuities purchased, .....                        | 122         | 25 |
| Real Estate, .....                                | 1,789       | 80 |
| Expenses, .....                                   | 37,000      | 00 |
| Balance in Bank, .....                            | 1,103       | 14 |
|   | 1,846       | 96 |
|   | <hr/>       |    |
|   | \$2,074,104 | 32 |
|   | <hr/>       |    |

## CR.

|  |             |    |
|--|-------------|----|
| Capital, .....                               | \$1,000,000 | 00 |
| Deposits of Trust, at ... 3 per cent.        | \$16,680    | 56 |
| 4 " "  | 309,423     | 42 |
| 4½ " "                                       | 445,513     | 53 |
| 5 " "  | 154,584     | 47 |
| 7 " "  | 4,000       | 00 |
|  | <hr/>       |    |
|  | 930,201     | 98 |
| Trust of Accumulation, at 4 per cent.        | \$7,761     | 24 |
| 4½ " "                                       | 18,372      | 39 |
| 5 " "  | 24,344      | 09 |
|  | <hr/>       |    |
| Guardianship Account, .....                  | 60,477      | 72 |
| Life Insurance, .....                        | 11,613      | 25 |
| Annuities granted, .....                     | 10,593      | 53 |
| Interest received on Bills Receivable, ..... | 7,612       | 91 |
| Bond and Mortgage, .....                     | \$6,949     | 99 |
| Stock Loans, .....                           | 7,041       | 48 |
| Albany City Stocks, .....                    | 3,570       | 57 |
|  | 750         | 00 |
|  | <hr/>       |    |
| Cash due Agents, .....                       | 18,312      | 04 |
| Dividend Account, .....                      | 10,155      | 41 |
| Rent Account, .....                          | 2,043       | 00 |
| Surplus Fund, .....                          | 75          | 00 |
|  | 23,019      | 48 |
|  | <hr/>       |    |
|  | \$2,074,104 | 32 |
|  | <hr/>       |    |

## SCHEDULE F.

At a meeting of the trustees of the New-York Life Insurance and Trust Company, held Tuesday, 3d April, 1832—

## Present—

William Bard, President,  
Nathaniel Prime,  
Jonathan Goodhue,  
Stephen Whitney,  
John Mason,  
William B. Lawrence,  
Samuel Thompson,  
John Rathbone, junr.

James M'Bride,  
Peter Harmony,  
Wm. James,  
James Kent,  
Thomas W. Ludlow,  
John Duer,  
Thomas Suffern.

The following By-Laws were added to the By-Laws of the company:—

1st. No loan shall be made by the company on security of village or country real estate, beyond half the value, as nearly as can, with reasonable diligence, be ascertained, of the property offered as security.

2d. No interest shall be allowed to remain due longer than six months, on any bond and mortgage to the company, without a foreclosure or suit being directed by the president, unless the board direct a longer delay.

3d. The company shall not, under any foreclosure or judgment, become the purchaser of mortgaged property, by bidding beyond the amount due to the company, of principal, interest, and costs.

4th. If the company become the holders of real property, by purchasing under foreclosure or judgment, the company shall sell the same, as soon as principal, interest, and costs, can be realized.

5th. Excepting for the purposes of securing suitable offices, and conveniences for the conduct of their business, and for the purpose of securing themselves against loss of money due to them, by way of mortgage or judgment on the property so held, the company shall hold no real estate whatsoever, directly, or indirectly.

(Extract from the minutes.)

E. A. NICOLL,  
Secretary.

## SCHEDULE G.

*Table 1st. Of the Rates of Insurance of One Hundred Dollars on a Single Life.*

| Age. | One Year. | Seven Years. | For Life. |
|------|-----------|--------------|-----------|
| 14   | 72        | 86           | 1,53      |
| 15   | 77        | 88           | 1,56      |
| 16   | 84        | 90           | 1,62      |
| 17   | 86        | 91           | 1,65      |
| 18   | 89        | 92           | 1,69      |
| 19   | 90        | 94           | 1,73      |
| 20   | 91        | 95           | 1,77      |
| 21   | 92        | 97           | 1,82      |
| 22   | 94        | 99           | 1,88      |
| 23   | 97        | 1,03         | 1,93      |
| 24   | 99        | 1,07         | 1,98      |
| 25   | 1,00      | 1,12         | 2,04      |
| 26   | 1,07      | 1,17         | 2,11      |
| 27   | 1,12      | 1,23         | 2,17      |
| 28   | 1,20      | 1,28         | 2,24      |
| 29   | 1,28      | 1,35         | 2,31      |
| 30   | 1,31      | 1,36         | 2,36      |
| 31   | 1,32      | 1,42         | 2,43      |
| 32   | 1,33      | 1,46         | 2,60      |
| 33   | 1,34      | 1,48         | 2,57      |
| 34   | 1,35      | 1,50         | 2,64      |
| 35   | 1,36      | 1,53         | 2,75      |
| 36   | 1,39      | 1,57         | 2,81      |
| 37   | 1,43      | 1,63         | 2,90      |
| 38   | 1,48      | 1,70         | 3,05      |
| 39   | 1,57      | 1,76         | 3,11      |
| 40   | 1,69      | 1,83         | 3,20      |
| 41   | 1,78      | 1,88         | 3,31      |
| 42   | 1,85      | 1,89         | 3,40      |
| 43   | 1,89      | 1,92         | 3,51      |
| 44   | 1,90      | 1,94         | 3,63      |
| 45   | 1,91      | 1,96         | 3,73      |
| 46   | 1,92      | 1,98         | 3,87      |
| 47   | 1,93      | 1,99         | 4,01      |
| 48   | 1,94      | 2,02         | 4,17      |
| 49   | 1,95      | 2,04         | 4,49      |
| 50   | 1,96      | 2,09         | 4,60      |
| 51   | 1,97      | 2,20         | 4,75      |
| 52   | 2,02      | 2,37         | 4,90      |
| 53   | 2,10      | 2,59         | 5,24      |
| 54   | 2,18      | 2,89         | 5,49      |
| 55   | 2,32      | 3,21         | 5,78      |
| 56   | 2,47      | 3,56         | 6,05      |
| 57   | 2,70      | 4,20         | 6,27      |
| 58   | 3,14      | 4,31         | 6,50      |
| 59   | 3,67      | 4,63         | 6,75      |
| 60   | 4,35      | 4,91         | 7,00      |

## SCHEDULE H.

NEW-YORK, SURROGATE'S OFFICE,  
12th April, 1832.

DEAR SIR,

In the discharge of some of my duties as surrogate of the county of New-York, I have found the New-York Life Insurance and Trust Company a most useful auxiliary. You are aware, by the Revised Statutes, when a minor has no guardian, the surrogate is required to take charge of his estate, and to invest his money in permanent securities upon annual interest. Since these laws have gone into operation, many cases of this kind have occurred, where the sums are small, varying from 50 to 300 dollars. There is always great difficulty in investing amounts so inconsiderable; sometimes it is almost impossible. In these cases, the New-York Life Insurance and Trust Company proves a sure and never failing resource, enabling me to invest, without delay, and to draw, at any time without loss of interest. When the money is so invested, I send the bills that are rendered against the several minors, with an order under my hand, to the company to pay. These demands, however small, are promptly paid; and nothing is ever drawn by my order, unless for the payment of a specific debt. By a rigid adherence to this arrangement, a small amount can be made to go very far towards the support of the minor. Where the estate is large, I also find it advantageous, as well as convenient, to place the funds in this institution. With all the precaution and vigilance which I may exercise, it will sometimes happen that the security taken from the guardian is insufficient, or becomes so in the course of time. Whenever I think there is cause to apprehend this danger, I direct the funds to be deposited with the company, and then issue special letters of guardianship, empowering the guardian to receive an annual specified sum, for the maintenance and education of the ward, without having any control over the principal. I have no doubt that these limited guardianships will often be the means of preserving estates from improvidence, waste and fraud.

In my transactions with the company, the officers intrusted with its management have always been ready to co-operate with me in guarding and protecting the rights of the orphan, and to afford me every aid and facility in the despatch of business.

I remain, with great respect, your obedient servant.

JAMES CAMPBELL, Surrogate.

To FREDERIC DE PEYSTER, JUN., Esq.,  
Master in Chancery.

## SCHEDULE I.

*Copy of a communication to the New-York Life Insurance and Trust Company, by Charles Butler, Esq. of Geneva, Ontario County, N. Y.*

In regard to the effect of the operations of the Trust Company in the investments of moneys upon the security of bond and mortgage in the country, I remark, that the loans have contributed, and will contribute, to the substantial and best interests of the country. If the loan be beneficial to the borrower in each case, contributing to his prosperity, and helping him in his lawful and proper pursuits, then in the aggregate the benefit to the country must be very great. In the western part of New-York, in the rich and fertile counties of Ontario, Wayne, Monroe, Yates, Livingston, Genesee, Orleans, &c. where are large tracts of land held by contract with the Puktney estate, Holland Land Company, and with extensive landed proprietors, the whole country has been settled within a few years, and there is also a large amount of purchase money yet due on land, for which deeds have been executed, and which is secured by bond and mortgage or otherwise.

In a section of country so new, containing a population so enterprising and industrious, there is a constant buying and selling and exchanging of lands.

The situation of the country presents a fine field for the investment of capital upon the best security. The loans which I have made to farmers for the Trust Company may be classed, in regard to the purposes for which the money was wanted, with few exceptions as follows :

1st. To pay the balance due upon a contract for land, and secure the deed.

2d. To pay a balance due of the purchase money secured by bond and mortgage, which is already a lien on the land.

3d. To pay for land which the borrower has contracted to buy in cash, thereby saving from three to five dollars per acre, the difference between a cash and the ordinary credit sale.

A great many loans have been made of the first class mentioned. A moment's reflection will show the good effects of this class of loans. The borrower, who holds the land by contract, has no interest in the fee of the soil. He is a mere tenant at will under the proprietors. The land has appreciated in value by the application of his labor, and by the general appreciation of the soil in the country. He pays the balance and procures a deed, and his situation is changed from that of a mere contractor to a freeholder; so that in any event of sickness, misfortune, or death, the fee of his farm is secured to his heirs. By this operation, the relation in which the borrower stands to his property is entirely changed; and there is a corresponding change in all his circumstances.

A great many applications are made under the second class. In a country like this, there will be, for many years, a large amount of purchase money due.

The advantage to the borrower is the exchange of creditors. In many instances the borrower by the exchange has been relieved from the payment of exorbitant usury, which his creditors exacted for indulgence. Time is every thing to a farmer. A farmer owning one hundred acres of good land, who can lay up an average of one hundred or one hundred and fifty dollars per annum, over and above the ordinary expenses incident to the support of his family, and the care of his property, is certainly in thriving circumstances. A man in such circumstances, who owes a considerable sum of money, is entirely at the mercy of his creditor; for if the creditor insist upon the payment of the whole amount, the debtor is compelled to sell at a sacrifice, or pay usury for indulgence. In a great many instances the party has, by this exchange of creditors, been saved from the payment of interest equal to 10, 12, 15, 20, and even 30 per cent. per annum, besides being liable constantly to a demand for the principal. In one instance, when the balance of purchase money exceeded \$1,500 upon a good farm, worth upwards of \$3,000 in cash, the party had paid for several years 12 per cent. per annum. In this case, the holder of the mortgage compelled the payment of the usury by demanding payment of the whole amount, and threatening foreclosure; and the only terms upon which he would give indulgence from year to year, was the payment of 12 per cent. as stated.

Owing to the situation of this section of the state, there has been a great and opening demand for money in aid of agricultural industry. Banks have not, and cannot furnish the necessary aid. Farmers will not resort to banks.

A great many loans have been made for the purpose expressed in the third class. The borrower, in this case, makes a better bargain, and saves considerable principal and interest, by an arrangement which enables him to pay cash for the land which he buys. In many instances the money is wanted to buy a farm for a son, to establish him in life, and in some cases for the purchase of lands in Michigan, in view of removal there. This class of loans is exceedingly beneficial to the country, because, in each case, it is a great benefit to the party.

The terms of the loans made by the Trust Company are exactly adapted to the situation and wants of the farmer, both in regard to the payment of principal and interest. A payment of one hundred dollars will be received at any time on account of the principal. Unless the farmer has met with some unusual losses during the year, by reason of sickness, failure of crop, or other misfortune, he can generally pay the sum of one hundred dollars per annum, besides the interest.

This remark will not apply to the case of a farmer who has not been in possession long enough to improve and to clear up his farm, so that his labor yields a product. It requires several years patient labor to reclaim the soil and get it in a farming condition; and of course, while the man is engaged in the beginning, he can not do more than meet his interest. The security in such cases, is constantly increasing in value, and the debt is ultimately discharged with great ease. In this case, the indulgence given to the borrower; is the chief cause of his prosperity. The interest is required to be



paid semi-annually. No indulgence is held out in regard to the payment of interest. It is expected to be paid, and it must be paid; and indulgence on account of principal, depends entirely upon the punctual payment of interest. This condition is a very salutary one in its effects upon the borrower. It is a constant stimulant to exertion. The payment is not onerous, because divided into small sums. It exercises a controlling influence in all his business, and incites to promptness, industry and punctuality in all his dealings. The interest being thus kept down, the very effort which is made, in the end secures the prompt payment of principal, as fast as he has ability to do so. I regard this condition as exceedingly beneficial and wholesome.

Loans to farmers never exceed one half of the cash value of the land, exclusive of buildings. As a consequence of this condition, they are made to a class of men of abundant responsibility, of industrious habits, and thriving circumstances. They are not made to encourage speculation nor improvidence. They are made for objects strictly within the pursuits of the class of persons to whom they are made. It is believed that the loans have contributed greatly to the prosperity of the country, because they have, in every instance, contributed to the prosperity of the individual, and, while they are made with sound discretion, to prudent, industrious, and temperate men, who really want the money for lawful purposes, they cannot be otherwise than beneficial. Nor does the amount or extent of such loans furnish any evidence of embarrassment; on the contrary, it furnishes the best evidence of a thriving, enterprising and prosperous condition. Capitalists do not invest their money upon soil which is unproductive, and which does not, in fact, constitute a security, nor to men who are irresponsible, improvident, and intemperate. It is only the best men, in regard to character and property, in the community, who can command a loan of money from the honorable and prudent capitalist. This remark applies with strict truth to the Trust Company.

It is undoubtedly true, that individuals often loan money where the security is abundant, but where the character of the individual is such that there is a moral certainty that he will fail in meeting his engagements, and that in the end, the security will fall into the hands of the lender. In such cases, the object is not investment of capital upon legal and fair interest, but it is to get the farm for less than its value—thus speculating upon the character and habits of the borrower; and the object is secured by suffering accumulation of interest, which is, from time to time, added to the principal, and thus interest breaks him. It is also to be considered, that these investments do not increase the indebtedness of the country. The loan is made to pay an existing debt, and the tendency of the operation is to lessen the existing indebtedness, and accelerate the final payment of it.

(Copy.)

JAMES PORTER,  
Register.

[The following is a copy of the Order in pursuance of which the previous Report was made by the Master, and which ought, more properly, to have preceded the Master's Report.]

*At a court of Chancery, held for the State of New-York, at the city of Albany, on the thirty-first day of January, in the year one thousand eight hundred and thirty-two—*

PRESENT—REUBEN H. WALWORTH, Chancellor.

*In the matter of the New-York Life }  
Insurance and Trust Company. }*

The trustees of the New-York Life Insurance and Trust Company, having exhibited to the Chancellor, and filed in the office of the Register of this court, the statement of the affairs of the said company, for the political year ending the thirty-first of December, one thousand eight hundred and thirty-one, as directed by the order of this court, of the nineteenth of November, one thousand eight hundred and thirty-one; it is ordered that the said statement be referred to Frederic De Peyster, junior, one of the Masters of this court, residing in the city of New-York, pursuant to the directions of the eighteenth section of the act incorporating the said company; and that the said Master make a full and thorough investigation into the affairs and management of the said company, and that the said Master be authorised to examine all, or any of the officers, servants, and agents of the said company, or any other person, on oath, in relation to the affairs and condition of the said company, and the manner in which its said affairs have been managed during the said year; and that the said Master may, also, in his discretion, examine as to the manner in which the affairs of the company have been managed, either before or since that time; if, in the course of the investigation hereby directed, he shall discover any cause of suspicion, or other matter, which, in his opinion will render such examination necessary or proper;—and that the said Master report to this court, with all convenient speed, whether the statement aforesaid contains a just and true account of the affairs of the said company, as directed by the order of this court; and that the said Master also state, in the said report, his opinion in relation to the ability and integrity with which the affairs of the said company have been, and are conducted, as to the prudence and safety of its investments, as to the security afforded to those by whom its engagements are held, and as to the advantages derived by the public from its operations; and that the said Master file his report with the Register of this court, and also deliver a copy thereof to the Chancellor, and another copy thereof to the president of the company, to be transmitted by him to the comptroller, as directed by the statute incorporating the said company. And it is further ordered, that the Register of this court cause a copy of this order, and of the said order of the nineteenth day of November, one thousand eight hundred and thirty-one, and a copy of the said statement, filed in his office by the said company, to be delivered to the said Master, without delay.

(Copy.)

JAMES PORTER, Register.

[S. No. 112.]



**IN SENATE,**

**April 25, 1832.**

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**REPORT**

**Of the committee of conference appointed by the Senate and Assembly, on the amendments proposed by the Senate to the bill entitled "An Act to incorporate the city of Rochester."**

The committee of conference, appointed by the Senate and Assembly upon the amendments proposed by the Senate to the bill entitled "An act to incorporate the city of Rochester,"

**REPORT:**

That they have had the same under consideration, and have united in recommending that the Senate adhere to, and the Assembly adopt, all of said amendments, except so far as the same relate to the appointment or election of justices of the peace.

The committee therefore recommend that the bill be amended as follows:

In title 2, § 15, line 2, strike out May and insert June; § 28 the same; § 47 the same.

In title 3, § 11, subdivision 8, add thereto, "but no ordinance of said city shall continue in force for a longer period than three years." § 26, 27 and 28 to be stricken out; and in § 25, after the word public, in 1st line, insert, "and commissioners of deeds."

In title 2, § 13, 2d line, strike out the following words, "a clerk of the city." And

In title 10, § 3, 1st line, strike out the words, "city shall be clerk of the said court," and insert instead thereof, "said mayor's court shall be clerk of the said city."

Upon the other amendments to the bill, all of which relate to the mode of electing and appointing justices of the peace, the committee of conference do not agree.

JOHN W. EDMONDS,

*Chairman of the Committee of the Senate.*

S. G. ANDREWS,

*Chairman of the Committee of the Assembly.*

The chairman of the committee of the Assembly dissenting from the amendment of the Senate, in relation to the appointment of commissioners of deeds.

## **REPORT**

**Of the committee of conference appointed on the part of the Senate, on the amendments proposed by the Senate to the bill entitled "An Act to incorporate the city of Rochester."**

The committee appointed on the part of the Senate to confer with a committee of conference on the part of the Assembly, in relation to the amendments proposed to the bill entitled "An Act to incorporate the city of Rochester," further

### **REPORT:**

That the said committees have conferred together in regard to the disagreement between the two houses upon the amendments to that bill.

The committee on the part of the Senate stated the reasons for the amendments as follows :

1st. As to the appointment of clerk of said city, and the clerk of the mayor's court thereof.

The bill which passed the Assembly provided, in sec. 13 of title 2, that the clerk of the city should be appointed annually by the common council thereof, and should hold his office during the pleasure of the board ; and by sec. 3 of title 10, that the clerk of the city should be clerk of the mayor's court. The amendment proposed by the Senate, deprived the common council of the appointment of that officer, and conferred it upon the judges of the said mayor's court.

The reason for this amendment was pointed out in the 9th section of the 4th article of the constitution of the State, which declares that the "clerks of courts" (except clerks of counties, including the register and clerk of the city and county of New-York,) "shall be appointed by the courts of which they respectively are clerks," and "shall hold their offices for three years, unless sooner removed by the courts appointing them." The appointing power and the tenure of the office, as declared by the bill as it passed the Assembly, were so much at variance with the above mentioned provisions of the constitution, that the committee on the part of the Senate determined on adhering to the amendment, and the committee on the part of the Assembly, resolved to recommend to that branch of the Legislature the adoption of those amendments.

2d. The bill, as it passed the Assembly, directed that the first election for officers of the city should be held on the first Monday of May next, and at the same time directed that the trustees of the village of Rochester should, ten days previous to that time, make certain arrangements for such election.

It was urged by the committee on the part of the Senate, that as the period at which the bill would become a law would be so late as to prevent an action under it at the time above mentioned, and inasmuch as the Revised Statutes, vol. 1, page 600, section 7, had enacted—"If any corporation hereafter created by the Legislature shall not organize and commence the transaction of business within one year from the date of its incorporation, its corporate powers shall cease;" it was most manifest that the whole bill would be entirely inoperative unless a different time should be provided for the commencement of its corporate powers.

Therefore, the Senate had amended the bill, so as to provide that the first election should be held on the first Monday of June next, and their committee determined to adhere to that amendment, and the committee on the part of the Assembly resolved to recommend the adoption of this amendment also.

3d. The Senate had also amended the bill by inserting a provision, that "no ordinance of said city should continue in force for a longer period than three years," and their committee urged that the

provision was salutary, inasmuch as it compelled the common council to revise all their ordinances at short periods, and enabled the citizens to know what laws were or would be in force. A contrary course might operate serious injury at times, by subjecting persons to severe penalties under ordinances which had been enacted 10 or 15 years before and been entirely forgotten; and the provision already existed in other charters, and had been found beneficial in its effects.

Therefore, the committee of the Senate determined to adhere to that amendment, and the committee of the Assembly resolved to recommend its adoption.

4th. The bill, as it passed the Assembly, enacted, that commissioners of deeds for that city should be appointed by the common council thereof, and that the number of auctioneers should be determined by the same body. These provisions the Senate had entirely stricken out, and their committee urged that their adoption was a material variance from the general laws of the State, and from the regulations which governed every other city, and was conferring upon that corporation powers and privileges which had not been asked by or granted to any city or village in the State. That as to commissioners of deeds, the Revised Statutes, vol. 1, page 107, § 9, had provided for their appointment by the Governor with the assent of the Senate, and page 100, § 2, had authorised the common councils of all the cities of this State (except New-York,) to determine every two years the number of these officers "next to be appointed in and for their respective cities;" and as to auctioneers, it was also provided, 1 Rev. St., p. 98, § 4, that one or more auctioneers for every city, (except New-York and Albany,) village and county should be appointed, "where they shall be deemed necessary by the appointing power."

Therefore, the committee of the Senate determined to adhere to the said amendments, and the committee of the Assembly resolved to recommend their adoption also.

5th. The bill, as it passed the Assembly, provided for the election by the people of a justice of the peace in and for each of the wards of said city, and the Senate amended the same by inserting a provision, that the justices in that city should be appointed in the



same manner, and hold their offices by the same tenure, as justices in other cities."

In favor of the bill as originally passed, it was urged by the committee of the Assembly, that the same provision was contained in the act incorporating the city of Utica, and was in accordance with the spirit of the constitution, which had conferred upon the people the power of electing justices in certain instances.

On the part of the Senate it was urged by their committee, that the constitution of 1821 had provided for the appointment of justices in towns, but had devolved upon the Legislature the appointment of justices in cities. The people of the State had sanctioned this distinction, by the adoption of the constitution, and the Legislature had acted upon it from that time in the manner now proposed by the amendment. That the amendment to the constitution adopted in 1826, provided for the election of justices in towns only, and had again left the appointment of such officers in cities to the action of the Legislature. This distinction had again been sanctioned by the people in the adoption of that amendment, and by the Legislature in its subsequent action. That the Revised Statutes, vol. 1, page 107, § 9, provided, that "justices of the marine court in the city of New-York, justices of the justices' court in the cities of Albany and Hudson, and all other justices in cities, except those of whom the constitution directs the mode of appointment, shall be nominated by the Governor, and appointed by him with the consent of the Senate." And that the privilege now sought for this corporation was at variance with the general laws of the State, with the provisions relating to every other city, excepting only Utica, and with the spirit of the constitution, as adopted by the people, and sanctioned by the Legislature for a series of years.

That with this view of the case, the committee of the Senate could not consent to conferring upon this corporation a chartered right so contrary to their view of the constitution and the wishes of the people.

Your committee, however, proposed to the committee on the part of the Assembly to strike out from the bill, as well the original section as the amendment adopted by the Senate, and thus leave the city to the action of the justices now in office there, and such decision of subsequent Legislatures, as might, in their wisdom, be made, without the restriction arising from its being a part of its charter.

To this, however, the committee on the part of the Assembly would not consent, but resolved not to concur with the amendments of the Senate in relation to the appointment of justices; and your committee determined to recommend to the Senate an adherence to this and all the other amendments made by them to the bill.

J. W. EDMONDS, *Chairman.*



**No. 114.**

**IN SENATE,**

**June 21, 1832.**

**[SECOND MEETING.]**

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**MESSAGE FROM THE GOVERNOR.**

*Fellow-Citizens of the Senate and of the Assembly.*

At the opening of your last session, it was expected that the National Legislature would apportion among the States the representation in Congress, at a day so early as to enable you before your adjournment to divide the State into suitable election districts. Our hopes in this respect were not realized ; and after a very laborious session, you adjourned, at the usual time, having previously provided by law for a contingent postponement of the next election, in case an apportionment should not be made. Since your adjournment, Congress has acted upon this subject, and fixed a ratio of representation in the popular branch of that body, by which our State is entitled to forty members, whereby the law postponing the election is annulled.

On the occurrence of this event, I have, in obedience to my constitutional duty, as well as in compliance with your expressed wishes, convened you at this time, that you might provide for the exercise by this State of its full voice in the councils of the nation. As this was my motive for calling you together at this unusual and uncomfortable season of the year, so it is the only business pertaining to your duties within my knowledge, now so urgent as to justify me in the exercise of this power. I am happy to be enabled to say this, and to express the belief that the public wants will not require of you to sacrifice your personal comforts and private interests to the duties of ordinary legislation, through a protracted session.

There is one other subject, however, which I feel bound to present to your consideration, and which may be disposed of without

materially interfering with your special business, or prolonging your session. I allude to the supposed approach, at a time of unusual health within our State, of the Asiatic Cholera ; a direful disease, which, having spread desolation over a great part of Asia, has advanced with rapid strides through Europe, and is now supposed to have crossed the Atlantic and to be frightfully busied in the work of death among our Canadian neighbors. It is certain that a very malignant disease, in its type resembling the much dreaded Cholera, is ravaging the hordes of squalid emigrants which have been recently disgorged from transport ships near our borders, and has been communicated from them to a portion of the population of the cities of Quebec and Montreal.

It has not been satisfactorily ascertained that the disorder has been communicated within our State, although a few cases of sudden death have occurred, which would not have attracted particular notice in ordinary times. Whether the disease which has proved so fatal in Canada is the Cholera, or has been produced by the very unfavorable circumstances under which an unusual number of the most destitute class of emigrants have been landed during warm weather, in a strange climate, cannot be known without a more minute and scientific examination of facts. But so far as facts have been ascertained, there is reason to believe that the two disorders, if of different character in other respects, resemble each other in these particulars, that they are caused by inattention to cleanliness, and by enfeebling dissipations and excesses, and may be communicated from one person to another in a tainted atmosphere. Cleanliness in and about houses and neighborhoods is believed to be the most effectual barrier against the spreading of this and other similar diseases.

Most of the emigrants who land in Canada direct their course towards the United States, with a view of settling there, and thus expose our fellow citizens to the contagion of diseases which they may bring with them. Heretofore it has not been deemed necessary to guard any avenue for the approach of infectious diseases, except the city of New-York, and our quarantine and health regulations relate chiefly to that city. No power now exists in any public officers or municipal authority elsewhere to interfere to prevent the introduction of disease into other parts of the State. We shall be annually exposed to similar incursions, and I respectfully recommend to you to pass such laws as may be necessary to enforce a sa-

native quarantine, at or near the other ordinary points of ingress to our State, and to invest the proper officers with sufficient power to act promptly and efficiently in times of alarm and emergency. An infinitely wise and just God has seen fit to employ pestilence as one means of scourging the human race for their sins, and it seems to be an appropriate one for the sins of uncleanness and intemperance ; and when we can trace its existence and propagation under any circumstances to certain causes, it is our duty to employ suitable means to remove those causes and to arrest its progress.

Having thus discharged our duty, we may repose with confidence upon a power, wisdom and mercy beyond our control or comprehension, to bless our exertions and prayers, by removing from us in due time existing calamities, or by averting those which may threaten.

E. T. THROOP.

*Albany, June 21, 1832.*



**IN SENATE,**

**June 22, 1832.**

**[SECOND MEETING.]**

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**REPORT**

**Of the committee on so much of the Governor's message as relates to the public health.**

Mr. Allen, from the committee appointed on the part of the Senate, to whom was referred so much of the Governor's message as relates to the public health and the Asiatic cholera,

**REPORTED :**

That the fact cannot be doubted, that the epidemic disease designated by the appellation of the Asiatic cholera, and which for several years has been raging in Europe, now exists on this continent, and is depopulating the cities of Quebec and Montreal, and spreading to other parts of the Canadas.

It appears also that some cases of this fatal disease have occurred in the northern parts of this State; and although they have as yet been confined to emigrants from the infected parts of the Canadas, we have reason to fear that it may be extended to our own citizens, unless prompt and efficient measures shall be adopted to arrest, as far as practicable, its spread among us.

The apparent necessity for the immediate action of the Legislature on the subject, in order that the proposed measures may be productive of benefit, has prevented the committee from collecting any further information than what has appeared in the public journals; and although there is much exaggeration in some of the accounts thus published, sufficient has nevertheless come to us officially to induce an application of every means in our power to ward off the stroke with which we are threatened.



The committee think that under the provisions of the Revised Statutes, in connection with the charters of the several cities of this State, that the local authorities of those cities possess the necessary power for preventing the introduction of infectious or pestilential disease among the inhabitants. This power may also be possessed by some of the incorporated villages of this State ; but there is no statutory provision, within the knowledge of the committee, by which the numerous towns and incorporated villages are authorised to enforce the necessary measures to prevent the introduction of infection among the citizens.

The committee deem it important that this defect should be remedied, and they therefore propose that the powers of the boards of health, now organized in the incorporated villages, should be increased in order to meet the present emergency ; that ample powers should be given to the boards of health, that ought, and they trust will be organized, in all the villages and towns composing the counties immediately exposed to the influence of the disease, now existing in the Canadas ; and that the like powers should be extended to every village and town in the State, to be exercised at the discretion of the local authorities.

The committee believe that, in cases like the present, no measures will be effectual unless the powers with which the local authorities shall be invested, are strong and ample ; as all experience proves that sanative measures cannot be enforced except by compulsion in many instances.

The committee have agreed on a bill embracing such provisions as in their opinion are necessary under present circumstances, and have directed their chairman to ask leave to introduce the same.

# No. 116.

## MEMBERS AND OFFICERS COMPOSING THE SENATE OF THE STATE OF NEW-YORK, WITH THEIR RESPECTIVE *Districts, Classes, and Places of Residence.* SECOND MEETING, FIFTY-FIFTH SESSION, 1882.

*Hon. EDWARD P. LIVINGSTON, President, Eagle Tavern.*

| NAMES.                   | DIST. | CLASS.  | PLACE OF RESIDENCE.           |
|--------------------------|-------|---------|-------------------------------|
| Stephen Allen, .....     | 1     | first,  | Eagle Tavern.                 |
| Thomas Armstrong, ....   | 7     | second, | Congress Hall.                |
| Levi Beardsley, .....    | 6     | second, | Congress Hall.                |
| John Birdsall, .....     | 8     | fourth, | Bement's Hotel.               |
| Alvin Bronson, .....     | 5     | second, | American Hotel.               |
| Trumbull Cary, .....     | 8     | third,  | Congress Hall.                |
| Jonathan S. Conklin, ... | 1     | third,  | Franklin House.               |
| Harman B. Cropsey, ...   | 1     | fourth, | Mansion House.                |
| William Deitz, .....     | 3     | second, | Gourlay's.                    |
| William I. Dodge, .....  | 4     | third,  | Congress Hall.                |
| Lewis Eaton, .....       | 3     | first,  |                               |
| John W. Edmonds, .....   | 3     | fourth, | Congress Hall.                |
| Josiah Fisk, .....       | 4     | fourth, | Congress Hall.                |
| Henry A. Foster, .....   | 5     | third,  | Congress Hall.                |
| Philo C. Fuller, .....   | 8     | first,  | Bement's Hotel.               |
| Isaac Gere, .....        | 4     | second, | Gourlay's.                    |
| Jehiel H. Halsey, .....  | 7     | fourth, | American Hotel.               |
| John F. Hubbard, .....   | 6     | first,  | Eagle Tavern.                 |
| Robert Lansing, .....    | 5     | fourth, | Mrs. Lockwood's.              |
| Charles W. Lynde, ....   | 6     | third,  | Bement's Hotel.               |
| Allan Macdonald, .....   | 2     | fourth, | Congress Hall.                |
| Hiram F. Mather, .....   | 7     | first,  | Bement's Hotel.               |
| William H. Maynard, ...  | 5     | first,  | Congress Hall.                |
| John G. M'Dowell, ....   | 6     | fourth, | Mansion House.                |
| John M'Lean junior, ...  | 4     | first,  | Congress Hall.                |
| Herman I. Quackenboss,   | 3     | third,  | Columbian and National Hotel. |
| Samuel Rexford, .....    | 2     | first,  | Columbian and National Hotel. |
| William H. Seward, ...   | 7     | third,  | Congress Hall.                |
| Alpheus Sherman, .....   | 1     | second, | Bement's Hotel.               |
| Nathaniel P. Tallmadge,  | 2     | second, | Congress Hall.                |
| Albert H. Tracy, .....   | 8     | second, | Congress Hall.                |
| David M. Westcott, ....  | 2     | third,  | Columbian and National Hotel. |

JOHN F. BACON, Clerk, Office 64 State-street.

JAMES LIVINGSTON, Sergeant-at-Arms, Mansion House.  
JAMES D. WASSON, Doorkeeper, No. 22 La Fayette-street.  
[S. No. 116.] 1



